CITY OF HOBART

AGENDA

City Planning Committee Meeting

Open Portion

Monday, 20 January 2020

at 5:00 pm
Lady Osborne Room, Town Hall

THE MISSION

Working together to make Hobart a better place for the community.

THE VALUES

The Council is:

People	We value people – our community, our customers and colleagues.
Teamwork	We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.
Focus and Direction	We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.
Creativity and Innovation	We embrace new approaches and continuously improve to achieve better outcomes for our community.
Accountability	We work to high ethical and professional standards and are accountable for delivering outcomes for our community.

ORDER OF BUSINESS

Business listed on the agenda is to be conducted in the order in which it is set out, unless the committee by simple majority determines otherwise.

APOLOGIES AND LEAVE OF ABSENCE

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY 4

2. CONFIRMATION OF MINUTES..... 4

3. CONSIDERATION OF SUPPLEMENTARY ITEMS 4

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST..... 4

5. TRANSFER OF AGENDA ITEMS..... 5

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS..... 5

7. COMMITTEE ACTING AS PLANNING AUTHORITY 6

7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997 7

7.1.1 24 Salamanca Square, Battery Point and Adjacent Road Reserve - Signage 7

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015 54

7.2.1 95 Hampden Road, Battery Point - Intensification of Previously Approved Use (Food Services), Partial Demolition, Alterations and Signage 54

7.2.2 11 Cascade Road, South Hobart - Change of Use to Visitor Accommodation 113

7.2.3 The Springs, Mount Wellington - New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development 149

8. REPORTS 228

8.1 City Planning - Advertising Report..... 228
8.2 Delegated Decisions Report (Planning)..... 239

9. QUESTIONS WITHOUT NOTICE 246

10. CLOSED PORTION OF THE MEETING..... 247

City Planning Committee Meeting (Open Portion) held Monday, 20 January 2020 at 5:00 pm in the Lady Osborne Room, Town Hall.

COMMITTEE MEMBERS
Deputy Lord Mayor Burnet (Chairman)
Briscoe
Harvey
Behrakis

Apologies:

Leave of Absence: Nil.

NON-MEMBERS
Lord Mayor Reynolds
Zucco
Sexton
Thomas
Dutta
Ewin
Sherlock

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY

2. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the City Planning Committee meeting held on Monday, 9 December 2019 and the Special City Planning Committee meeting held on Monday, 16 December 2019, are submitted for confirming as an accurate record.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Recommendation

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager.

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Members of the Committee are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Committee has resolved to deal with.

5. TRANSFER OF AGENDA ITEMS

Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A Committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

RECOMMENDATION

That in accordance with Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

7. COMMITTEE ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Committee to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Committee will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Committee is reminded that in order to comply with Regulation 25(2), the General Manager is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

7.1.1 24 SALAMANCA SQUARE, BATTERY POINT AND ADJACENT ROAD RESERVE - SIGNAGE PLN-19-780 - FILE REF: F20/4744

Address:	24 Salamanca Square, Battery Point and Adjacent Road Reserve
Proposal:	Signage
Expiry Date:	23 February 2020
Extension of Time:	Not applicable
Author:	Richard Bacon

RECOMMENDATION

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for signage at 24 Salamanca Square Battery Point Tas 7004 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-19-780 - 24 SALAMANCA SQUARE BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

HER 3

The strings of light bulbs hanging within the covered roof structure as shown in the 3D renderings within the submitted planning application are not approved as part of this permit.

Reason for condition

To clarify the scope of the permit and to ensure signage meets the standards of clause 25.11 which states that 'Strings of light bulbs are prohibited.' (p.137 clause 25.11 of the *Sullivans Cove Planning Scheme 1997*).

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's website for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc). Click here for more information.

You may require an occupational licence for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). Click here for more information.

Attachment A:	PLN-19-780 - 24 SALAMANCA SQUARE BATTERY POINT TAS 7004 - Planning Committee or Delegated Report ⇩
Attachment B:	PLN-19-780 - 24 SALAMANCA SQUARE BATTERY POINT TAS 7004 - CPC Agenda Documents ⇩
Attachment C:	PLN-19-780 - 24 SALAMANCA SQUARE BATTERY POINT TAS 7004 - Planning Referral Officer Cultural Heritage Report ⇩

City of HOBART

APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997

Type of Report:	Committee
Council:	28 January 2020
Expiry Date:	23 February 2020
Application No:	PLN-19-780
Address:	24 SALAMANCA SQUARE , BATTERY POINT ADJACENT ROAD RESERVE
Applicant:	DESIGN EAST PTY LTD 153 DAVEY STREET
Proposal:	Signage
Representations:	Nil
Performance criteria:	Signage

1. Executive Summary

1.1 Planning approval is sought for signage.

1.2 More specifically the proposal includes:

- A total of 4 signs to be positioned on the outdoor dining structure which was previously approved under Planning Permit PLN-19-114 dated the 8th July 2019.

1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

1.3.1 Signage Clause 25.14 Table 25.1

1.4 No representations were received during the statutory advertising period between the 5th and 19th December 2019.

1.5 The proposal is recommended for approval subject to conditions.

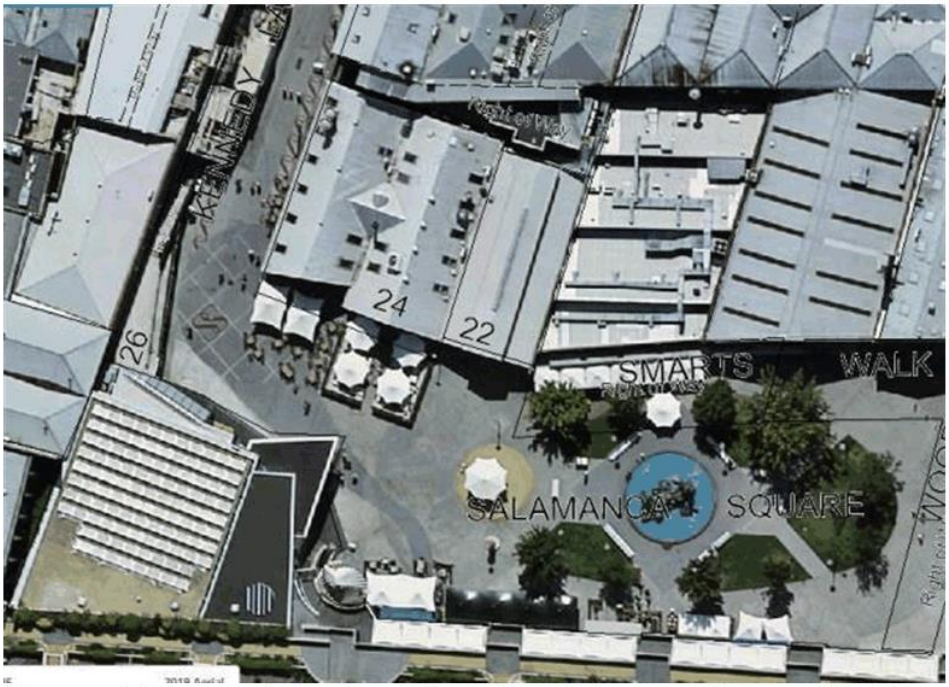
1.6 The final decision is delegated to the Council.

2. Site Detail

2.1 The site is the existing outdoor dining area within Salamanca Square adjacent to 24 Salamanca Square, which is occupied by Botanica Bar.



Above: full Salamanca Square site with No.24 central to the image.



Above: aerial photograph showing existing outdoor dining area to the rear of No.24 Salamanca Square.

3. Proposal

3.1 Planning approval is sought for signage adjacent to 24 Salamanca Square, which is currently occupied by Botanica Bar.

3.2 More specifically the proposal is for:

- A total of 4 signs to be positioned on the outdoor dining structure which was previously approved under Planning Permit PLN-19-114 dated the 8th July 2019.

4. Background

4.1 The proposed 4 signs would be positioned on the outdoor dining structure which was previously approved under PLN-19-114 dated the 8th July 2019.

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between the 5th and 19th December 2019.

6. Assessment

6.1 The *Sullivans Cove Planning Scheme 1997* is a performance based planning scheme. This approach recognises that there are in many cases a number of ways in which a proposal can satisfy desired environmental, social and economic standards. In some cases a proposal will be 'permitted' subject to specific 'deemed to comply' provisions being satisfied. Performance criteria are established to provide a means by which the objectives of the planning scheme may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.

6.2 The site is located in the Sullivans Cove Mixed Use 2.0 Activity Area of the *Sullivans Cove Planning Scheme 1997*.

6.3 The existing use is as an outdoor dining area associated with a bar. The existing use is a permitted use in the Activity Area and the proposed signs are ancillary to this use.

6.4 The proposal has been assessed against:

6.4.1 Parts A and B – Strategic Framework

6.4.2 Part D – Clause 16.3.1 – Activity Area Controls

6.4.3 Part E – Schedule 1 – Conservation of Cultural Heritage Values

Part E – Schedule 4 – Signs

6.5 The proposal relies on the following performance criteria to comply with the applicable standards:

6.5.1. Signs – Clauses 25.11, 25.13 and 25.14, and Table 25.1

6.6 Each performance criterion is assessed below.

6.7 Signs - Clause 25.13, 25.14 and Table 25.1

6.7.1 The acceptable solution at clause 25.14 Table 25.1 is for a single wall

sign per building.

6.7.2 The proposal includes a total of 4 wall signs.

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criterion at clause 25.14 Table 25.1 provides as follows:

- *Maximum vertical dimension 500mm or 5% of height of building wall, whichever is greater.*
- *Maximum horizontal dimension 4000mm.*

or

- *On a contemporary building, or an extension on a place of cultural significance that is not itself of cultural significance, a maximum area of all wall, window and banner signs of 7% of the area of the facade.*

Clause 25.13 Matters to be Considered states as follows.

In addition to meeting the relevant Alternative Performance Criteria in Table 25.1 of clause 25.14 of this Schedule, the following matters must be taken into account when considering an application:

- *The individual or cumulative effect of the sign or signs on the amenity of the area including the need to avoid visual disorder or clutter of signs.*
- *The individual or cumulative effect of the sign or signs on the building and/or surrounding area, considering its effect and means of attachment on places of cultural significance.*
- *The cumulative effect of the sign or signs on existing or approved signs, including signs on buildings and outdoor uses that constitute a sign.*
- *The size and likely impact of the sign having regard to the size of the premises on which it is to be displayed and the scale of surrounding buildings.*
- *The effect of the sign on the safety and security of premises and the area.*
- *The effect of the sign on the appearance, efficiency and safety of a road, railway, waterway or other public way, having particular regard to the sign's colour, brightness and location.*
- *The effect of the sign on pedestrian movement and safety.*
- *Compliance with objectives of this Schedule.*

6.7.5 Assessment of the performance criterion follows:

The proposed four signs would be identical, and would each state 'Botanica'. The signs would measure 0.9 of a metre (900mm) in length by 0.3 of a metre (300mm) in height. They would be 'backlit'.

The signs would be on the three outward facing sides of the outdoor dining structure, with two of the signs positioned facing south-southwest into the Square. There is concern with regard to potential 'clutter' of signs, given that there would be viewing points within Salamanca Square where more than one sign would be visible. On the other hand, the respective signs are considered to be of small size and unobtrusive in their positioning. The likely degree of visual impact is not considered likely to be excessive.

Council's Cultural Heritage Officer, with regard to Clause 25.11 states as follows:

This is signage for the proposed new outdoor dining area that was previously approved as part of PLN-19-114. The proposal is for four (4) signs positioned on the external walls/planter boxes that enclose the outdoor dining/bar space. Each sign is 900mm of lettering on a 1.5 metres copper panel that is 300mm high. Within is a LED light strip that illuminates the lettering.

The site is adjacent to a place listed in Table 1: Places of Cultural Significance. Therefore the provisions of 25.11 within Schedule 4 of the Signs Code of the Sullivans Cove Planning Scheme 1997 apply.

- *A sign on or adjacent to or within a place of cultural significance (as listed in Table 1 of Schedule 1 of this planning scheme) is 'Discretionary'.*
- *A sign in the Cove area must not either by its size, design or content detract from the character and heritage value of buildings both individually and collectively including those groups or buildings comprising some which may not be of particular heritage value.*
- *For modern standardised trademark or propriety logo advertising, corporate image requirements such as specific colours must be adapted to suit the individual location and building.*
- *A sign to be affixed to any place of cultural significance included in Schedule 1 of the Planning Scheme must maintain or reinstate and not detract from its original architecture, heritage value or character.*

- *Signs must be placed to allow the architectural details of the building to remain prominent.*
- *Signs must be placed in locations on the building or item that would traditionally have been used as advertising areas. Historical documentation may be required to justify the placement of any new signs.*
- *No signs shall dominate or obscure any other signs and in particular an historic sign forming an integral part either of a building's architectural treatment of detailing, or its heritage.*
- *Fixtures must not damage historic building fabric, including but not restricted to attachments to masonry and wood. All signs and related fittings are to be fixed using appropriate non-corrosive fixings inserted in mortar joints.*
- *Signs that break an historic parapet or roof line will be prohibited.*
- *Use of side-walls to locate signs is prohibited if the wall does not form a street-frontage, or has not historically been used for signs.*
- *Strings of light bulbs are prohibited.*
- *Internally illuminated signs attached to a building of cultural significance (excluding contemporary buildings and extensions on a place of cultural significance that are not themselves of cultural significance) are prohibited.*

This proposal is not attached to a building of cultural significance. The copper face on the timber board walls will mean that the sign and background colour and materials will not be in stark contrast with each other and therefore result in an individually prominent of dominant set of signage. The light bulbs shown in the submitted renderings are however prohibited. A condition of permit is to be included that clarifies that the strings of bulbs are not approved.

As such, the proposed signs are acceptable when assessed against clause 25.11 of the Schedule 4 of the Scheme.

On balance, the proposed signage is considered acceptable in terms of the Performance Criteria and Matters to be Considered under the *Sullivans Cove Planning Scheme 1997*.

6.7.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for signage.

7.2 The application was advertised and no representations were received.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered acceptable.

7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Cultural Heritage Officer. The officers have raised no objection to the proposal, subject to conditions.

7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed signage at 24 Salamanca Square Battery Point TAS 7004 satisfies the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for signage at 24 Salamanca Square Battery Point TAS 7004 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-19-780 - 24 SALAMANCA SQUARE BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

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The strings of light bulbs hanging within the covered roof structure as shown in the 3D renderings within the submitted planning application are not approved as part of this permit.

Reason for condition

To clarify the scope of the permit and to ensure signage meets the standards of clause 25.11 which states that 'Strings of light bulbs are prohibited.' (p.137 clause 25.11 of the *Sullivans Cove Planning Scheme 1997*).

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The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's website for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc). Click here for more information.

You may require an occupational licence for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). Click here for more information.



(Richard Bacon)

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Cameron Sherriff)
Acting Manager Development Appraisal

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 7 January 2020

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report (heritage)

PROPOSED SIGNAGE
at No. 24 SALAMANCA SQUARE
BATTERY POINT, 7004
for LIVEAT

DE JOB #
5316

ISSUE: SIGN APPROVAL SET - 02.12.2019

DWG. No.	DRAWING	ISSUE
5316 - A01	COVER PAGE	A
5316 - A02	SITE PLAN	A
5316 - A03	EXISTING & DEMOLITION PLAN	A
5316 - A04	PROPOSED OUTDOOR STRUCTURE PLAN	A
5316 - A05	PROPOSED ELEVATIONS 01	A
5316 - A06	PROPOSED ELEVATIONS 02	A

ATTACHMENTS

SIGNAGE DETALS AS PER SUPPLIERS SPECIFICATION

GENERAL INFORMATION

Accredited Building Designer:	**Monty East**	
Accreditation Number:	**CC 191O**	
Land title reference number:	**C.T. 129068/1**	
Site area:	**546 ± m²**	
Total floor area:	**90 ± m²**	
Total decked / balcony area:	**N/A**	
Site assessment by:	***N/A***	
Wind classification:	**-**	**Site Classification to AS 4055-2012**
Soil classification:	**-**	**Site Classification to AS 2870-2011**
Climate zone:	**7**	
Bushfire-prone area BAL rating:	**N/A**	**No areas of bushfire prone vegetation >1ha within 100m of the building.**
Alpine area (900m above AHD):	**N/A**	**BCA Figure 3.7.5.2**
Corrosion environment:	**N/A**	**For steel subject to the influence of salt water, breaking surf or heavy industrial areas, refer to BCA section 3.4.2.2 & BCA Table 3.4.4.2. Cladding& fixings to manufacturers spec.**

IMPORTANT

1. USE WRITTEN DIMENSIONS ONLY.

2. DO NOT SCALE DRAWINGS.

3. THE CONTRACTORIS TO CHECK ALL LEVELS, DATUMS, AND DIMENSIONS IN RELATION TO THE DRAWINGS AND THE SITE BEFORE PROCEEDING WITH THE WORK OR SHOP DRAWINGS.

4. ENSURE THAT THIS DRAWING AND ANY ACCOMPANYING DETAILS AND/OR SPECIFICATIONS HAVE BEEN STAMPED AS 'APPROVED' BY THE RELEVANT LOCAL AUTHORITY.

5. THE PROPRIETOR IS TO ENSURE THAT ANY "CONDITIONS OF APPROVAL" ISSUED BY THE BUILDING SURVEYOR, RELEVANT COUNCIL AND OTHER STATUTORY AUTHORITIES ARE PASSED ONTO THE CONTRACTOR BEFORE CONSTRUCTION BEGINS.

6. MATERIALS AND WORKMANSHIP SHALL CONFORM WITH RELEVANT STANDARDS, BUILDING CODE OF AUSTRALIA AND PRODUCT MANUFACTURERS WRITTEN INSTRUCTIONS.

7. ANY ALTERATION TO THE CONSTRUCTION AND/OR MATERIALS INDICATED IN THESE DRAWINGS IS TO BE APPROVED BY DESIGN EAST, THE ENGINEER, THE BUILDING SURVEYOR, AND THE PROPRIETOR BEFORE PROCEEDING WITH THE WORK.

8. IF THERE ARE ANY QUERIES IN RELATION TO DIMENSIONS, LEVELS OR CONSTRUCTION DETAILS, CONTACT:

design . EAST
phone 6223 6740
email admin@designeast.com.au

Revision notes:

Rev:	Date:	Notes:	By:
A	02/12/2019	PLANNING APPROVAL FOR GARDEN BED SIGNAGE	DA

Drawn by: DOMINIC ABBOTT, DRAFTSPERSON

Project: Botanica Bar, Outdoor Proposal

Date: 02.12.19

Scale @ A3: NTS

Revision: A

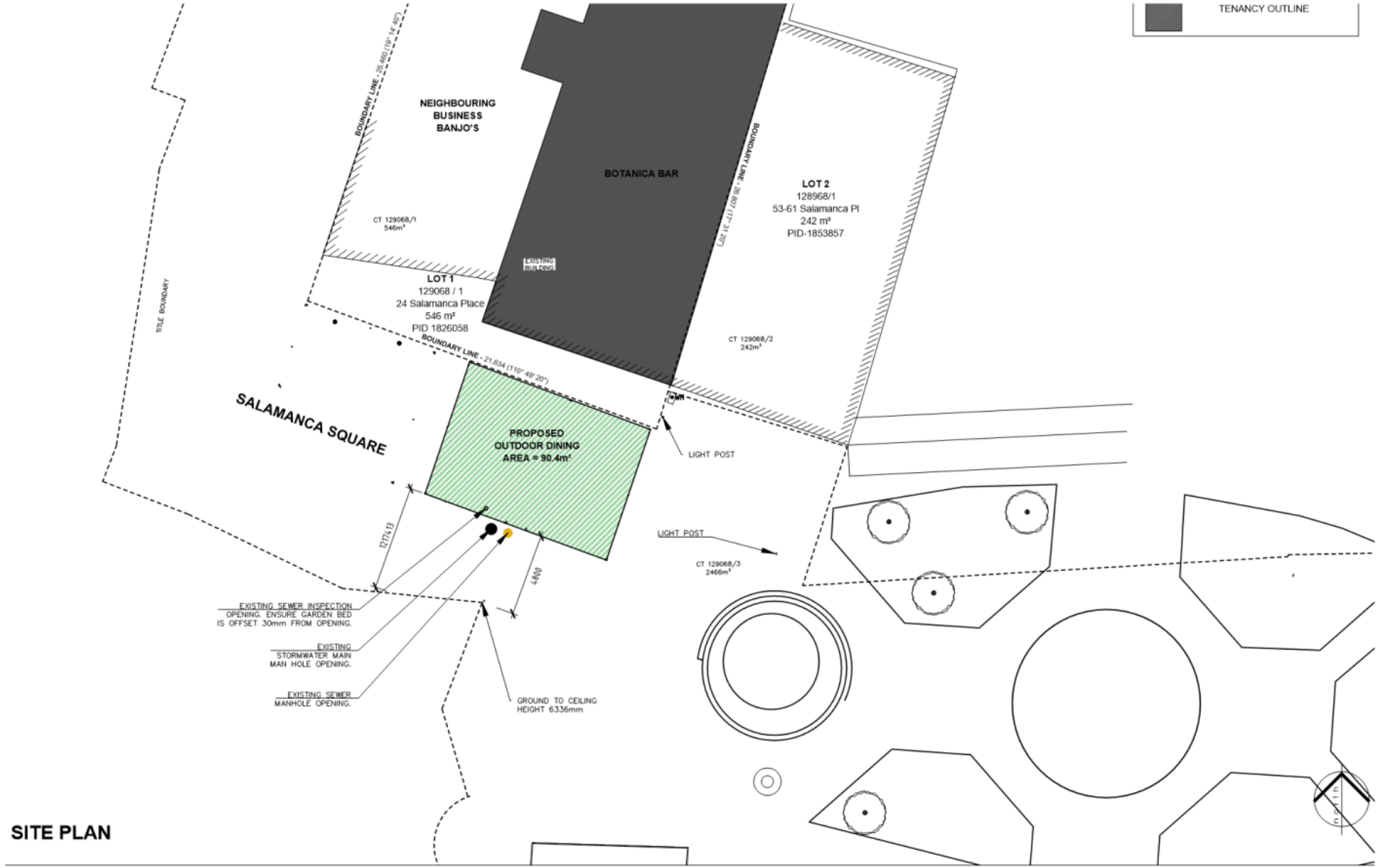
Client: LivEat Salamanca Square Pty Ltd, Botanica Bar

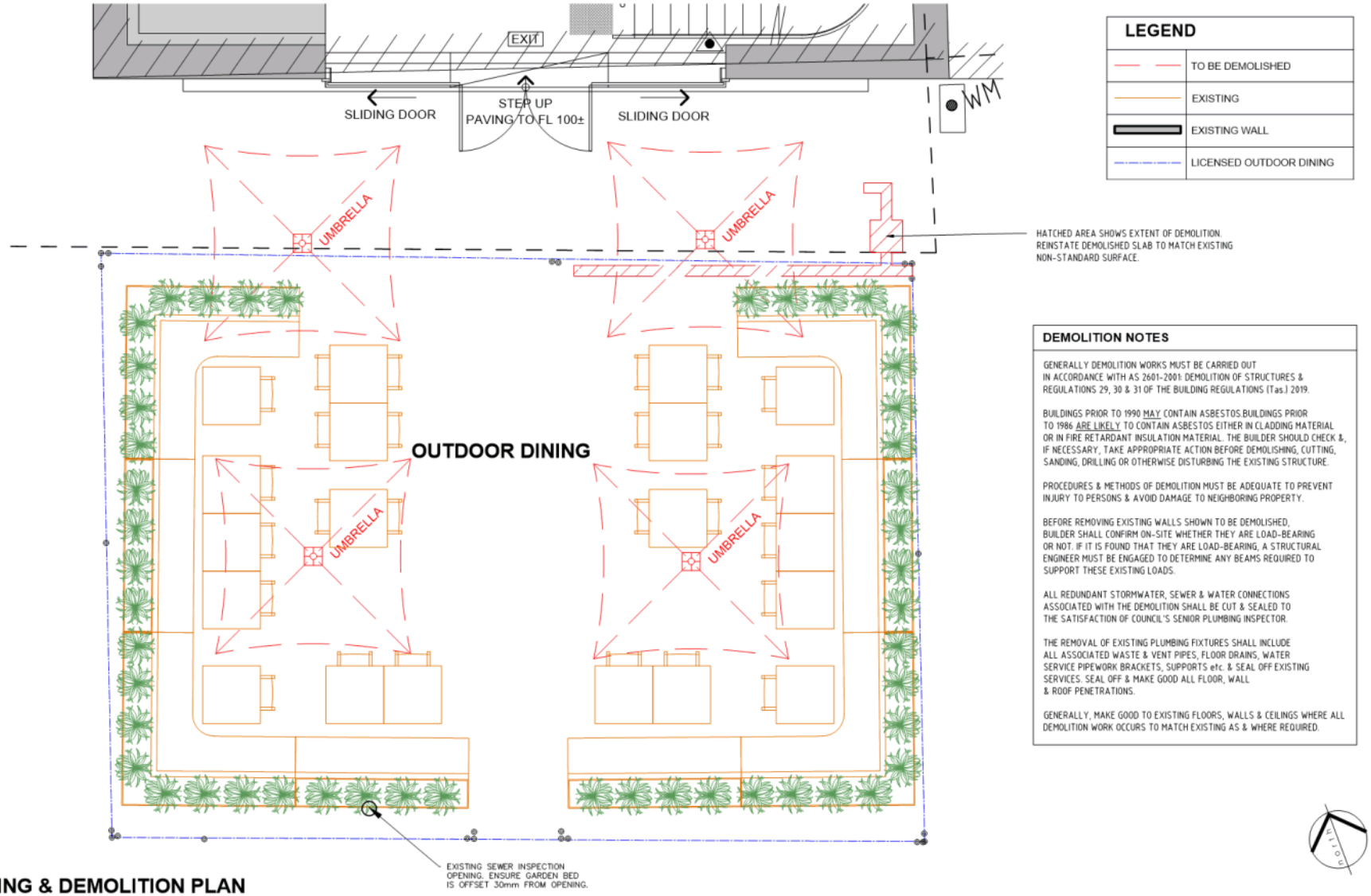
Drawing Title: COVER PAGE

Do not scale off drawing. All dimensions to be checked on site prior to construction

Drawing Number: **A01**

LivEat Salamanca Square Pty Ltd
Level 3 - 118 Liverpool St
Hobart TAS 7000
BOTANICA BAR


TENANCY OUTLINE
NEIGHBOURING BUSINESS BANJO'S
BOTANICA BAR
LOT 2
128968/1
53-61 Salamanca Pl
242 m²
PID-1853857
CT 129068/1
546m²
EXISTING BUILDING
LOT 1
129068 / 1
24 Salamanca Place
546 m²
PID 1826058
TITLE BOUNDARY
BOUNDARY LINE - 21.634 (110° 49' 20")
CT 129068/2
242m²
SALAMANCA SQUARE
PROPOSED OUTDOOR DINING AREA = 90.4m²
LIGHT POST
LIGHT POST
CT 129068/3
2466m²
12774.13
4800
EXISTING SEWER INSPECTION OPENING. ENSURE GARDEN BED IS OFFSET 30mm FROM OPENING.
EXISTING STORMWATER MAIN MAN HOLE OPENING.
EXISTING SEWER MANHOLE OPENING.
GROUND TO CEILING HEIGHT 6336mm
SITE PLAN
Revision notes:
Rev: A
Date: 02/12/2019
Notes: PLANNING APPROVAL FOR GARDEN BED SIGNAGE
By: DA
Drawn by: DOMINIC ABBOTT DRAFTSPERSON
Project: Botanica Bar Outdoor Proposal
Date: 02.12.19
Scale @ A3: 1:200
Revision: A
Client: LivEat Salamanca Square Pty Ltd Botanica Bar
Drawing Title: SITE PLAN
Do not scale off drawing. All dimensions to be checked on site prior to construction
Drawing Number: A02
LivEat Salamanca Square Pty Ltd
Level 3 - 118 Liverpool St
Hobart TAS 7000
BOTANICA BAR



LEGEND

	TO BE DEMOLISHED
	EXISTING
	EXISTING WALL
	LICENSED OUTDOOR DINING

DEMOLITION NOTES

GENERALLY DEMOLITION WORKS MUST BE CARRIED OUT IN ACCORDANCE WITH AS 2601-2001 DEMOLITION OF STRUCTURES & REGULATIONS 29, 30 & 31 OF THE BUILDING REGULATIONS (Tas.) 2019.

BUILDINGS PRIOR TO 1990 MAY CONTAIN ASBESTOS.BUILDINGS PRIOR TO 1986 ARE LIKELY TO CONTAIN ASBESTOS EITHER IN CLADDING MATERIAL OR IN FIRE RETARDANT INSULATION MATERIAL. THE BUILDER SHOULD CHECK &, IF NECESSARY, TAKE APPROPRIATE ACTION BEFORE DEMOLISHING, CUTTING, SANDING, DRILLING OR OTHERWISE DISTURBING THE EXISTING STRUCTURE.

PROCEDURES & METHODS OF DEMOLITION MUST BE ADEQUATE TO PREVENT INJURY TO PERSONS & AVOID DAMAGE TO NEIGHBORING PROPERTY.

BEFORE REMOVING EXISTING WALLS SHOWN TO BE DEMOLISHED, BUILDER SHALL CONFIRM ON-SITE WHETHER THEY ARE LOAD-BEARING OR NOT. IF IT IS FOUND THAT THEY ARE LOAD-BEARING, A STRUCTURAL ENGINEER MUST BE ENGAGED TO DETERMINE ANY BEAMS REQUIRED TO SUPPORT THESE EXISTING LOADS.

ALL REDUNDANT STORMWATER, SEWER & WATER CONNECTIONS ASSOCIATED WITH THE DEMOLITION SHALL BE CUT & SEALED TO THE SATISFACTION OF COUNCIL'S SENIOR PLUMBING INSPECTOR.

THE REMOVAL OF EXISTING PLUMBING FIXTURES SHALL INCLUDE ALL ASSOCIATED WASTE & VENT PIPES, FLOOR DRAINS, WATER SERVICE PIPEWORK BRACKETS, SUPPORTS etc. & SEAL OFF EXISTING SERVICES. SEAL OFF & MAKE GOOD ALL FLOOR, WALL & ROOF PENETRATIONS.

GENERALLY, MAKE GOOD TO EXISTING FLOORS, WALLS & CEILINGS WHERE ALL DEMOLITION WORK OCCURS TO MATCH EXISTING AS & WHERE REQUIRED.

EXISTING & DEMOLITION PLAN

Revision notes:

Rev:	Date:	Notes:	By:
A	02/12/2019	PLANNING APPROVAL FOR GARDEN BED SIGNAGE	DA

Drawn by: DOMINIC ABBOTT, DRAFTSPERSON

Project: Botanica Bar, Outdoor Proposal

Date: 02.12.19

Scale @ A3: 1:50

Revision: A

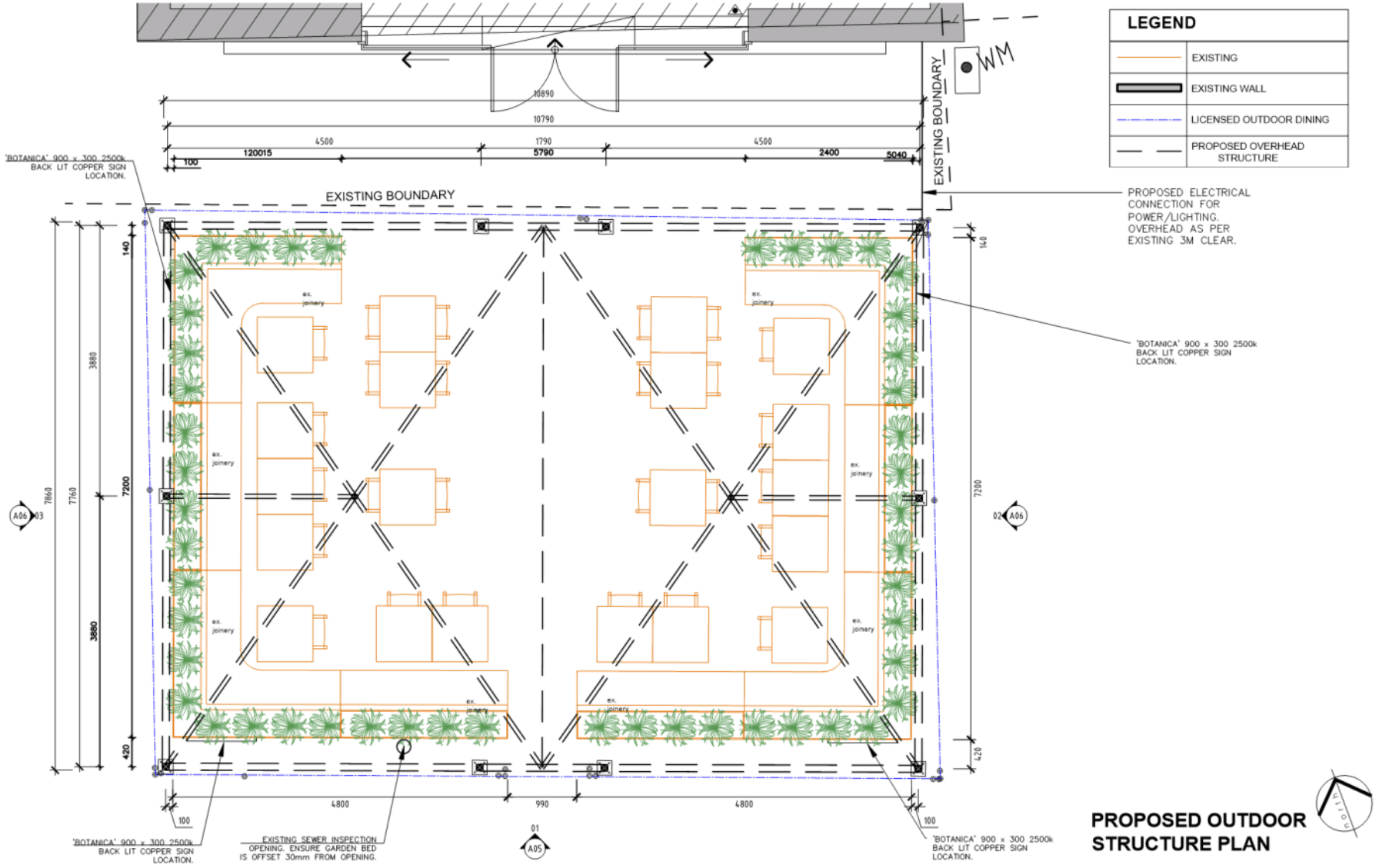
Client: LivEat Salamanca Square Pty Ltd, Botanica Bar

Drawing Title: EXISTING & DEMOLITION PLAN

Do not scale off drawing. All dimensions to be checked on site prior to construction

Drawing Number: A03

LivEat Salamanca Square Pty Ltd
Level 3 - 118 Liverpool St
Hobart TAS 7000
BOTANICA BAR



PROPOSED OUTDOOR STRUCTURE PLAN

Revision notes:			
Rev:	Date:	Notes:	By:
A	02/12/2019	PLANNING APPROVAL FOR GARDEN BED SIGNAGE	DA

Drawn by: DOMINIC ABBOTT, DRAFTSPERSON

Project: Botanica Bar, Outdoor Proposal

Date: 02.12.19

Scale @ A3: 1:50

Client: LivEat Salamanca Square Pty Ltd, Botanica Bar

Drawing Title: PROPOSED OUTDOOR STRUCTURE PLAN

Revision: A

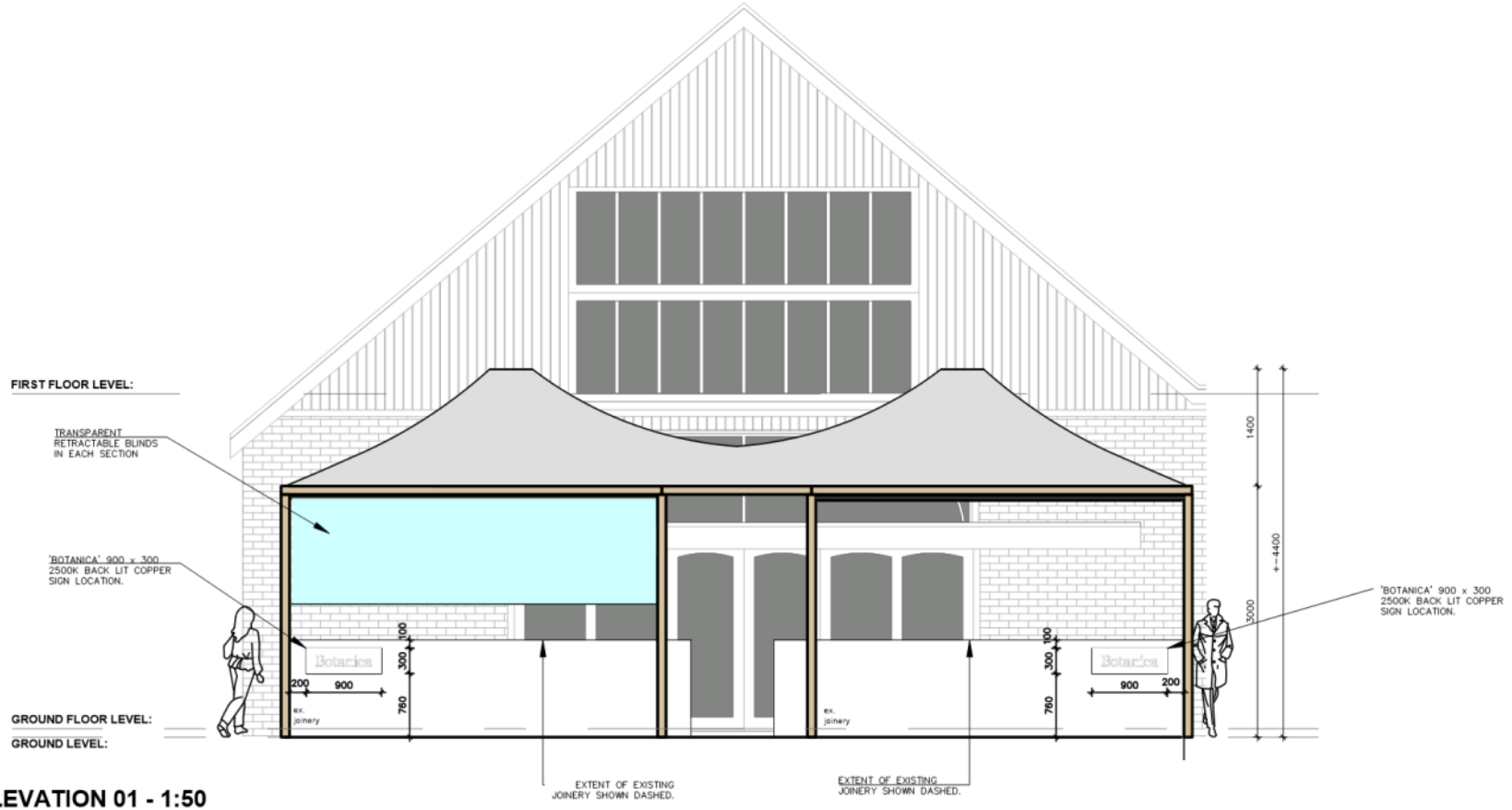
Do not scale off drawing. All dimensions to be checked on site prior to construction

Drawing Number: A04

LivEat Salamanca Square Pty Ltd
Level 3 - 118 Liverpool St
Hobart TAS 7000
BOTANICA BAR

FINISHES SCHEDULE	
	WHITE PVC UMBRELLA FABRIC

note dimensions shown are indicative only

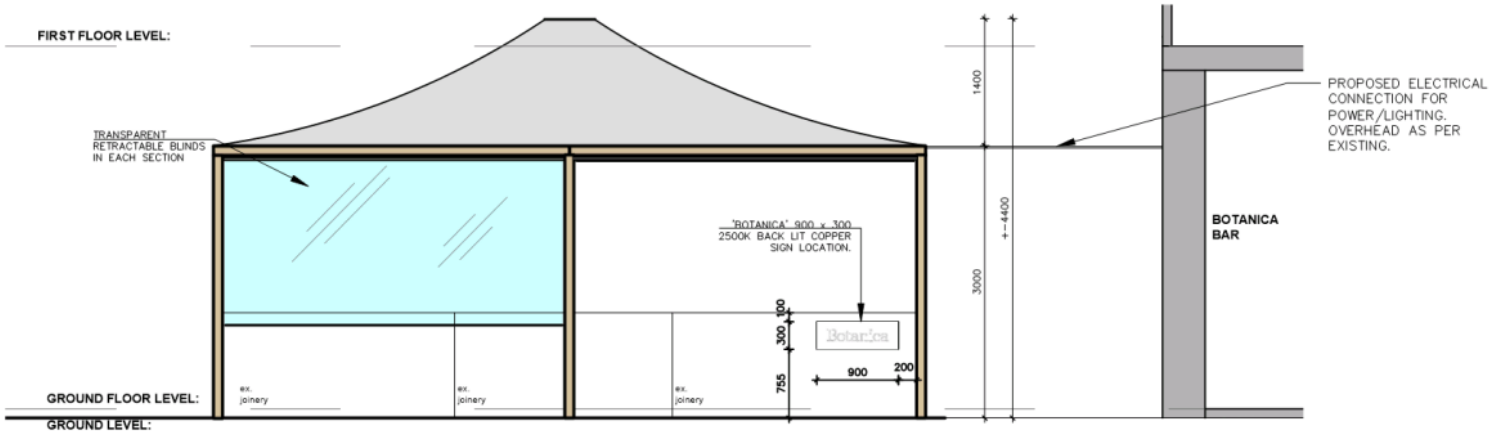


01 / A04 **ELEVATION 01 - 1:50**
OUTDOOR PROPOSED ELEVATION

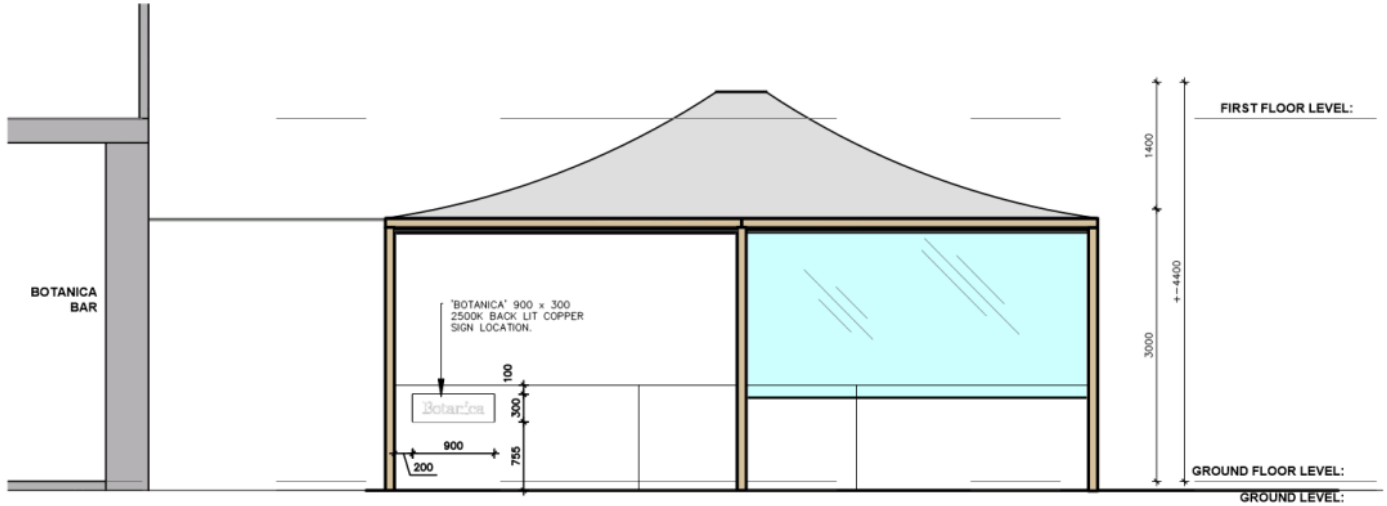
Revision notes:			
Rev:	Date:	Notes:	By:
A	02/12/2019	PLANNING APPROVAL FOR GARDEN BED SIGNAGE	DA

Drawn by: DOMINIC ABBOTT, DRAFTSPERSON
Project: Botanica Bar, Outdoor Proposal
Date: 02.12.19
Do not scale off drawing. All dimensions to be checked on site prior to construction
Drawing Number: A06
Client: LivEat Salamanca Square Pty Ltd, Botanica Bar
Drawing Title: Proposed Elevation 01
Scale @ A3: 1:50
Revision: A

LivEat Salamanca Square Pty Ltd
Level 3 - 118 Liverpool St
Hobart TAS 7000
BOTANICA BAR



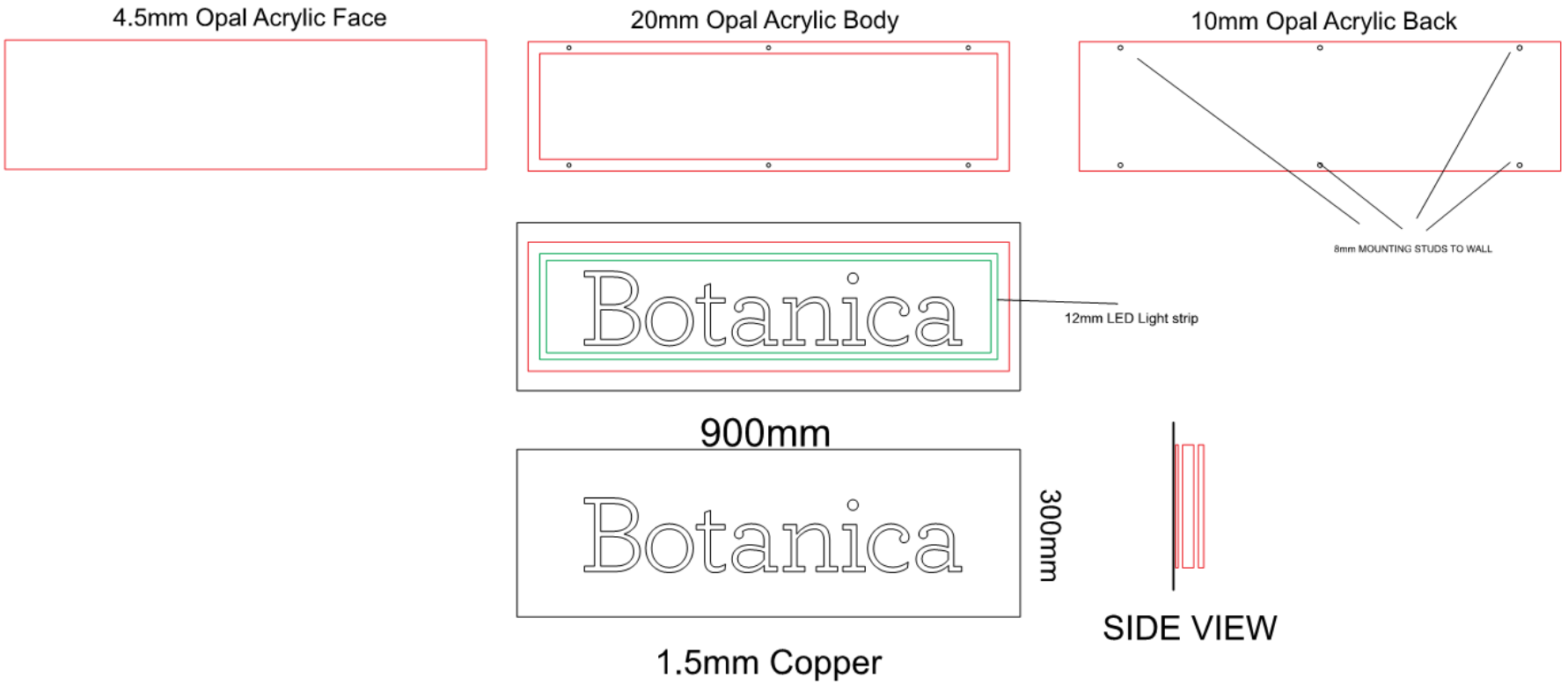
02 / A04 **ELEVATION 02 - 1:50**
OUTDOOR PROPOSED ELEVATION



03 / A04 **ELEVATION 03 - 1:50**
OUTDOOR PROPOSED ELEVATION

Revision notes:			
Rev:	Date:	Notes:	By:
A	02/12/2019	PLANNING APPROVAL FOR GARDEN BED SIGNAGE	DA

Drawn by: DOMINIC ABBOTT, DRAFTSPERSON
Project: Botanica Bar, Outdoor Proposal
Date: 02.12.19
Do not scale off drawing. All dimensions to be checked on site prior to construction
Drawing Number: A07
Client: LivEat Salamanca Square Pty Ltd, Botanica Bar
Drawing Title: Proposed Elevation 02
Scale @ A3: 1:50
Revision: A
LivEat Salamanca Square Pty Ltd
Level 3 - 118 Liverpool St
Hobart TAS 7000
BOTANICA BAR


4.5mm Opal Acrylic Face
20mm Opal Acrylic Body
10mm Opal Acrylic Back
8mm MOUNTING STUDS TO WALL
Botanica
12mm LED Light strip
900mm
Botanica
300mm
SIDE VIEW
1.5mm Copper

Design Three

From: Giameos Construction & Development <admin@gcdconstructions.com.au>
Sent: Monday, 9 September 2019 9:50 AM
To: Dee-Ann Simmons; George Giameos
Cc: Design Three; Troy Sutcliffe; Chris Button; George Giameos
Subject: RE: Owner Consent - Outdoor Alterations

Good morning Dee-Ann,

We have no issue with the proposal. We are happy to give authorisation for you to submit your plans to council for approval.

Kind Regards,

Sarah Jones
Office Manager
(Office hours 9:00am to 1:00pm Monday - Friday)

Giameos Constructions & Developments Pty Ltd
Level 2, 100 Melville Street, Hobart TAS 7000
Ph: 03 62 343366 Fx: 03 62 343422

From: Dee-Ann Simmons <dsimmons@banjosrc.com.au>
Sent: Friday, 6 September 2019 9:13 AM
To: George Giameos <george.giameos@gcdconstructions.com.au>; Giameos Construction & Development <admin@gcdconstructions.com.au>
Cc: Design Three <DAbbott@designeast.com.au>; Troy Sutcliffe <tsutcliffe@liveat.com.au>; Chris Button <cbutton@liveat.com.au>
Subject: Owner Consent - Outdoor Alterations

Hi George,
We are currently proposing some minor updates to the umbrella system in the outdoor area of Botanica. Please see attached proposal.

Could we please have your consent for Liveat Salamanca to apply for the permit for these works on your behalf?

Kind Regards,

Dee-Ann Simmons

Project & Business Development Officer

Banjo's Corporation Pty Ltd

GPO Box 491
Hobart TAS 7001

P | 03 6210 5071
M | 0436 648 162
E | dsimmons@banjosrc.com.au



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FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

OWNER John Fuglsang Developments Pty.Ltd.

FOLIO REFERENCE C.T. 128966/1

GRANTEE

Part of 8.1.9,Granted to John Montagu,
Part of 2.0.3,Granted to Andrew Haigh,
Part of 3 acres Granted to James Grant and
Part of 0.3.27,Granted to Thomas Hewitt.

PLAN OF SURVEY

BY SURVEYOR Anthony Owen Carrick
Brooks Lark & Carrick, Surveyors
7 Despard Street Hobart

LOCATION
City of Hobart
(SECTION W3)

SCALE 1: 750 LENGTHS IN METRES

REGISTERED NUMBER
SP129068

APPROVED
EFFECTIVE FROM 26 NOV 1997
Recorder of Titles

MAPSHEET MUNICIPAL CODE No. 114 (522552)

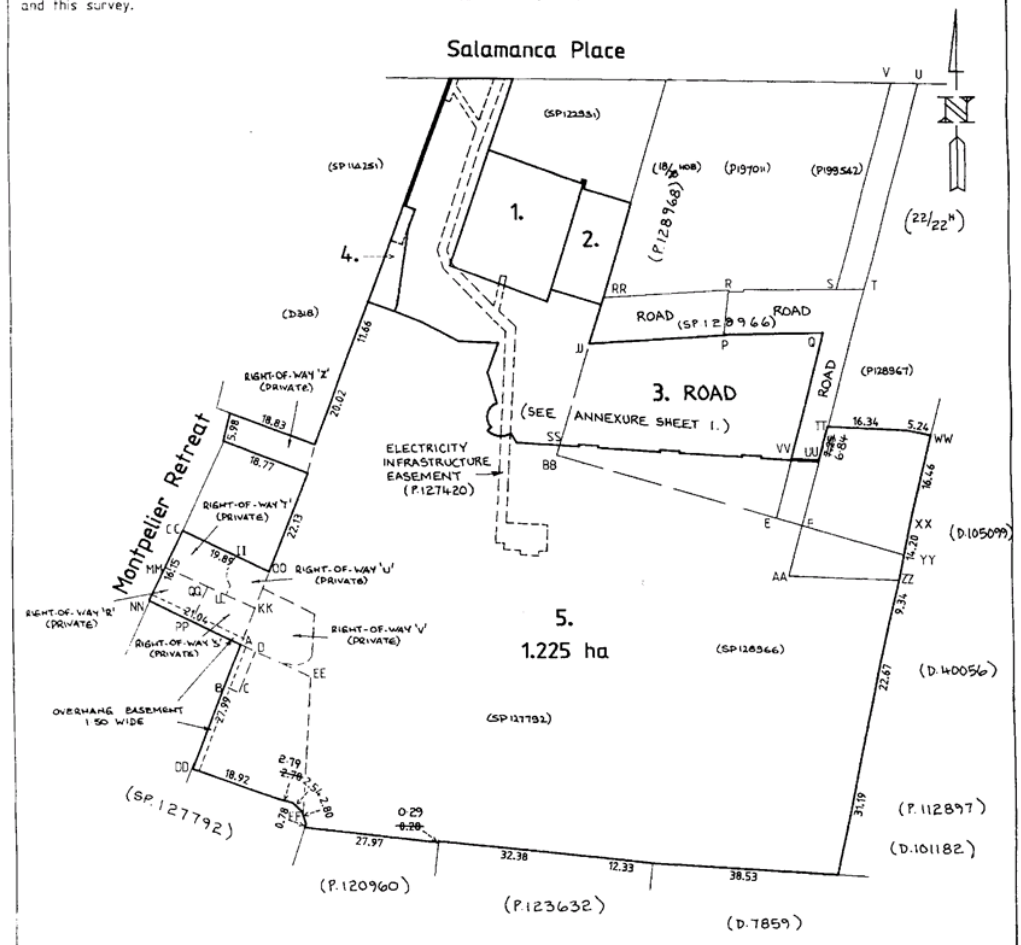
LAST UPI No. FPP66

LAST PLAN No. SP 128966

ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN

Lot 5 is compiled from C.T.128966/1 and this survey.

INDEX PLAN



RIGHT OF WAY 'R' (PRIVATE) (LABELLED MM,KK,A,NN) IS LIMITED IN HEIGHT FROM THE SURFACE OF THE ACCESS WAY OR RAMP TO 4 METRES ABOVE THE ACCESS WAY OR RAMP.
RIGHT OF WAY 'S' (PRIVATE) (LABELLED QQ,KK,A,PP) IS LIMITED IN HEIGHT FROM GROUND LEVEL TO THE UNDERSIDE OF THE RAMP.
RIGHT OF WAY 'T' (PRIVATE) (LABELLED CC,DD,KK,MM) IS LIMITED IN HEIGHT FROM THE CONCRETE FLOOR TO 2.5 METRES ABOVE THE CONCRETE FLOOR.
RIGHT OF WAY 'U' (PRIVATE) (LABELLED II,OO,KK,LL) IS LIMITED IN HEIGHT FROM 14.33 AHD TO 16.77 AHD.
RIGHT OF WAY 'V' (PRIVATE) IS LIMITED IN HEIGHT FROM 14.33 AHD TO 16.83 AHD.

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

~~SURVEY NOTES~~

SHEET OF SHEETS

~~LENGTHS IN METRES~~

DELETE AS APPLICABLE

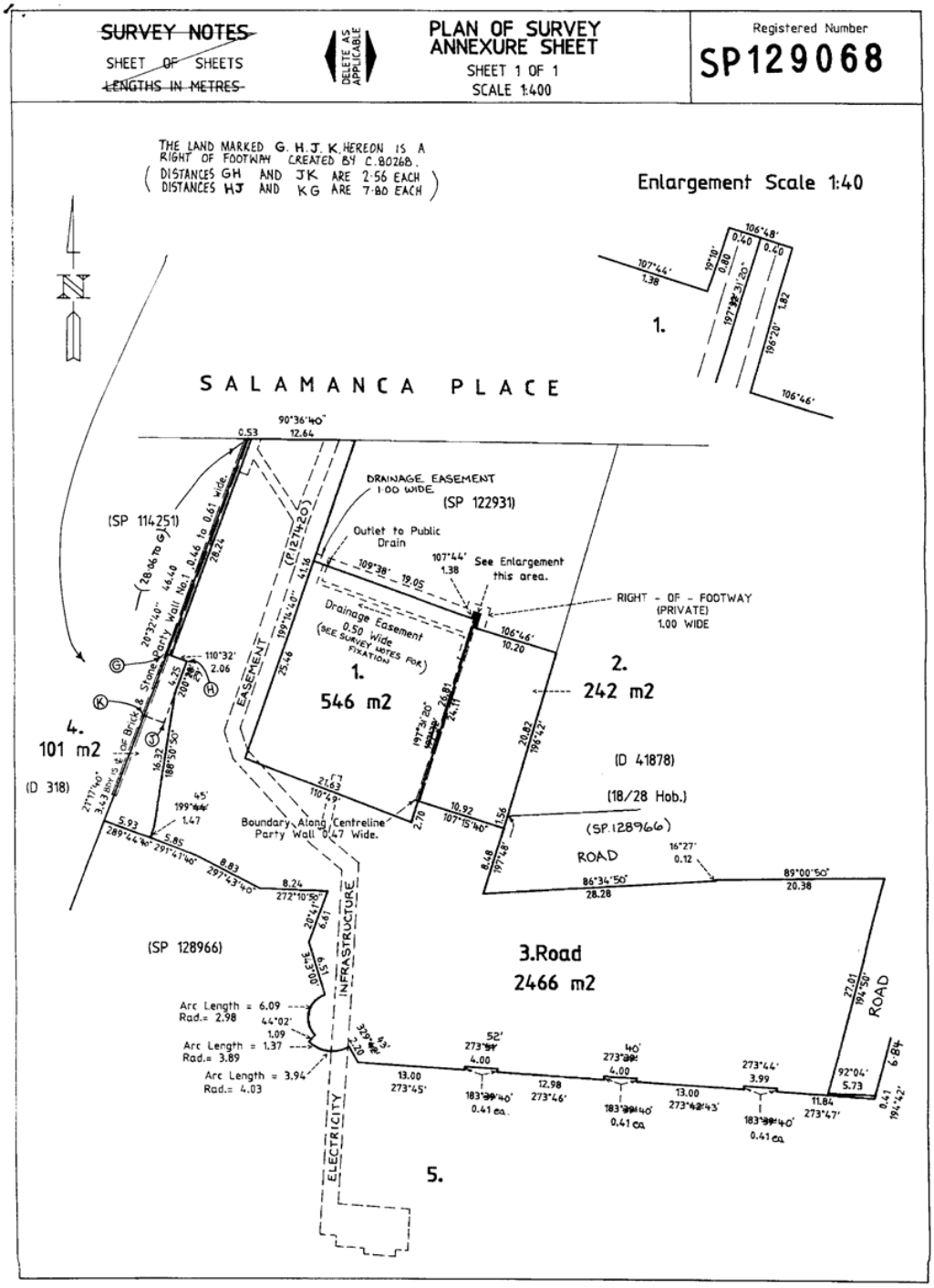
PLAN OF SURVEY ANNEXURE SHEET

SHEET 1 OF 1

SCALE 1:400

Registered Number

SP129068



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Tasmanian Government

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
129068	1
EDITION	DATE OF ISSUE
6	15-Jun-2007

SEARCH DATE : 03-Oct-2018
SEARCH TIME : 10.06 AM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Sealed Plan 129068
Derivation : Part of 8a 1r 9ps Gtd. to J. Montague, part of 2a 0r 3ps Gtd. to A. Haigh, part of 3a 0r 0ps Gtd. to J. Grant & part of 0a 3r 27ps Gtd. to T. Hewitt
Prior CT 128966/1

SCHEDULE 1

C792261 TRANSFER to GIAMEOS HOLDINGS PTY LTD Registered 15-Jun-2007 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 129068 EASEMENTS in Schedule of Easements
SP 127792, SP 128966, SP 129068 COVENANTS in Schedule of Easements
C94436 INSTRUMENT Creating Restrictive Covenants Registered 13-May-1998 at noon
C465337 LEASE to SCOTT ANDREW MACKINNON of a leasehold estate for the term of 5 years from 1-July-2001. Registered 10-Sep-2003 at 12.03 PM
Leasehold Title(s) issued: 129068A/1
C791917 MORTGAGE to Commonwealth Bank of Australia Registered 15-Jun-2007 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SCHEDULE OF EASEMENTS	REGISTERED NUMBER
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP129068

EASEMENTS AND PROFITS

Each lot on the plan is together with:-
(1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
(2) any easements or profits a prendre described hereunder.
Each lot on the plan is subject to:-
(1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
(2) any easements or profits a prendre described hereunder.
The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

EASEMENTS

Lots 1, 3 & 5 on the plan are each subject to an Electricity Infrastructure Easement for the Hydro-Electric Corporation in the terms created by and more fully set forth in Transfer of Easement No. C69691 over such portion of the Electricity Infrastructure Easement shown on the plan passing through such lot.

1. LOT 1 is:

together with:

1.1 a right of footway over the "Right of Footway (Private) 1.00 wide" shown on the Plan passing through Lot 1 on Sealed Plan 122931;

1.2 a right of drainage over the "Drainage Easement 1.00 wide" shown on the Plan passing through Lot 1 on Sealed Plan 122931;

subject to:

1.3 a right of drainage (appurtenant to LOT 2) over the "Drainage Easement 0.50 wide" shown on the Plan;

Witness to the Common Seal of)
John Fuglsang Developments Pty Ltd)

Witnesses to the Common Seal of)
Tasmanian Trustees Limited)

Signed by the Attorneys for Trust Bank)

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: JOHN FUGLSANG DEVELOPMENTS PTY LTD FOLIO REF: 128966/1 SOLICITOR & REFERENCE: DOBSON MITCHELL & ALLPORT (Mr. A. R. Logan)	PLAN SEALED BY: HOBART CITY COUNCIL DATE: 19.11.1997 817.6 REF NO. ~~Council Delegate~~ MANAGER SURVEYING SERVICES

NOTE: The Council Delegate must sign the Certificate for the purposes of identification.

SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 10 PAGE/S	Registered Number SP 129068
SUBDIVIDER: JOHN FUGLSANG DEVELOPMENTS PTY LTD FOLIO REFERENCE: 128966/1	

together with and subject to:

1.4 a party wall easement within the meaning of section 34B of the Conveyancing and Law of Property Act 1884 over the "Boundary Along Party Wall 0.47 wide" shown on the Plan along the common boundary of LOT 1 and LOT 2.

2. LOT 2 is:

together with:

2.1 a right of footway over the "Right of Footway (Private) 1.00 wide" shown on the Plan passing through Lot 1 on Sealed Plan 122931;

2.2 a right of drainage over the "Drainage Easement 0.50 wide" shown on the Plan passing through LOT 1;

2.3 a right of drainage over the "Drainage Easement 1.00 wide" shown on the Plan passing through Lot 1 on Sealed Plan 122931;

together with and subject to:

2.4 a party wall easement within the meaning of section 34B of the Conveyancing and Law of Property Act 1884 over the "Boundary Along Party Wall 0.47 wide" shown on the Plan along the common boundary of LOT 2 and LOT 1.

Witness to the Common Seal of)
John Fuglsang Developments Pty Ltd)

Witnesses to the Common Seal of)
Tasmanian Trustees Limited)

Signed by the Attorneys for Trust Bank)

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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 10 PAGE/S	Registered Number SP 129068
SUBDIVIDER: JOHN FUGLSANG DEVELOPMENTS PTY LTD FOLIO REFERENCE: 128966/1	

3. LOT 3 is:

together with:

3.1 right for Gabriel Butler his heirs and assigns the tenants and occupiers for the time being of the piece of land or any part thereof and his and their servants and at all times thereafter at his or their will and pleasure by night and by day and for all purposes to go return pass and repass with horses cattle and other beasts carts waggons and all other carriages laden or unladen to and from the said piece of land through over across and along All that strip of land extending from the said land to the New Wharf and being throughout of the width of 18'6" wide or thereabouts and which strip of land is shown on the plan endorsed on Indenture of Release No. 3/1562 and therein coloured brown and marked "STUV" on the Plan;

3.2 a right of drainage over Lot 3 on Sealed Plan 128966; as marked R.S.T.UU.VV.Q.P on the plan.

3.3. ~~a right of carriageway over Lot 3 on Sealed Plan 128966~~.

4. That part of LOT 3 marked "VV.SS.JJ.Q" on the Plan is together with a right of driftway ~~over LOT 3 on Sealed Plan 128966 and~~ over the strip of land marked "S.T.U.V" on the Plan.

5. LOT 4 is together with and subject to a party wall easement within the meaning of section 34B of the Conveyancing and Law of Property Act 1884 over the "Brick and Stone Party Wall No.1" shown on the Plan along the common boundary of LOT 4 on the Plan with Lot 1 on Sealed Plan 114251.

Witness to the Common Seal of)
John Fuglsang Developments Pty Ltd)

Witnesses to the Common Seal of)
Tasmanian Trustees Limited)

Signed by the Attorneys for Trust Bank)

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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF 10 PAGE/S	Registered Number SP 129068
SUBDIVIDER: JOHN FUGLSANG DEVELOPMENTS PTY LTD FOLIO REFERENCE: 128966/1	

6. LOT 5 is:

subject to:

6.1 a right of carriageway (but not including any right to stop, to load or unload vehicles) limited in height from the concrete floor to 2.5 metres above the concrete floor (appurtenant to LOT 1 on Sealed Plan No. 127792) over that part of LOT 5 marked "Right of Way "T" (Private)" on the Plan for the purpose only of providing access to and egress from the ground floor of the building constructed on LOT 1 on Sealed Plan No. 127792; and

6.2 a right of carriageway (but not including any right to stop, to load or unload vehicles) (appurtenant to LOT 1 on Sealed Plan No. 127792) over that part of LOT 5 marked "Right of Way "R" (Private)" on the Plan limited in height over that part of LOT 5 marked "NN.MM.QQ.PP" from the concrete floor to 4 metres above the concrete floor and limited in height over that part of LOT 5 marked 'PP.QQ.LL.KK.A" from the surface of the existing ramp to 4 metres above the ramp for the purpose only of providing access to and egress from:

(a) that part of LOT 5 marked "I.OO.KK.LL" on the Plan; and

(b) the first floor of the building erected on LOT 1 on Sealed Plan No. 127792;

6.3 a right of carriageway (but not including any right to stop, to load or unload vehicles) limited in height from the concrete floor to 2.5 metres above the concrete floor (appurtenant to LOT 3 on Sealed Plan No. 127792) over that part of LOT 5 marked "Right of Way "T" (Private)" on the Plan for the purpose only of providing access to and egress from the basement of the building constructed on LOT 3 on Sealed Plan No. 127792 and the exercise of the right specified in clause 6.8 of this Schedule;

Witness to the Common Seal of)
John Fuglsang Developments Pty Ltd)

Witnesses to the Common Seal of)
Tasmanian Trustees Limited)

Signed by the Attorneys for Trust Bank)

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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 5 OF 10 PAGE/S	Registered Number SP 129068
SUBDIVIDER: JOHN FUGLSANG DEVELOPMENTS PTY LTD FOLIO REFERENCE: 128966/1	

6.4 a right of carriageway limited in height from ground level to the underside of the existing ramp (appurtenant to LOT 3 on Sealed Plan No. 127792) over that part of LOT 5 marked "Right of Way "S" (Private)" on the Plan for the purpose only of providing access to and egress from the basement of the building constructed on LOT 3 on Sealed Plan No. 127792 and the exercise of the right specified in clause 6.8 of this Schedule;

6.5 a right to the unimpeded passage of light and other beneficial properties of solar radiation (appurtenant to LOT 1 on Sealed Plan No. 127792) over that part of LOT 5 marked "CC.OO.A.NN" on the Plan to all windows and other apertures of any building or buildings erected or to be erected on LOT 1 on Sealed Plan No. 127792 without any interruption or obstruction other than that caused by the erection and use of the existing ramps erected on LOT 5 on the Plan;

6.6 a right to the unimpeded passage of light and other beneficial properties of solar radiation (appurtenant to LOT 3 on Sealed Plan No. 127792) over that part of LOT 5 marked "CC.OO.A.NN" on the Plan to all windows and other apertures of any building or buildings erected or to be erected on LOT 3 on Sealed Plan No. 127792 without any interruption or obstruction other than that caused by the erection and use of the existing access ramp erected on LOT 5 and the existing wall erected approximately on the line "A.KK";

6.7 an easement for encroachment (appurtenant to LOT 3 on Sealed Plan No. 127792) to permit balconies constructed at any point along that part of the boundary between LOT 5 on the Plan

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John Fuglsang Developments Pty Ltd)

Witnesses to the Common Seal of)
Tasmanian Trustees Limited)

Signed by the Attorneys for Trust Bank)

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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 6 OF 10 PAGE/S	Registered Number SP 129068
SUBDIVIDER: JOHN FUGLSANG DEVELOPMENTS PTY LTD FOLIO REFERENCE: 128966/1	

and LOT 3 on Sealed Plan No. 127792 marked "NN.PP.A" on the Plan to overhang that part of LOT 5 marked "NN.CC.OO.A" on the Plan by no more than 1.5 metres at a height of not less than 4 metres vertically above:

(a) the concrete floor of that part of LOT 5 marked "NN.MM.QQ.PP" on the Plan; and

(b) the surface of the existing ramp constructed on that part of LOT 5 marked "PP.QQ.LL.KK.A" on the Plan;

6.8 an exclusive right limited in height from ground level to the underside of the existing ramp (appurtenant to LOT 3 on Sealed Plan No. 127792) for the owner of LOT 3 on Sealed Plan No. 127792 and every person authorised by that owner (including customers, invitees and employees) to park motor vehicles on the surface of that part of the ground level of LOT 5 marked "PP.QQ.LL.KK.A" on the Plan;

6.9 an exclusive right to stop to load and unload motor vehicles (appurtenant to LOT 1 on Sealed Plan No. 127792) for the owner of LOT 1 on Sealed Plan No. 127792 and every person authorised by that owner on that part of LOT 5 marked "Right of Way "U" (Private)" on the Plan;

6.10 an exclusive right (appurtenant to LOT 1 on Sealed Plan No. 127792):

(a) for the owner of LOT 1 on Sealed Plan No. 127792 and every person authorised by that owner, to use and enjoy for the purposes of recreation or a garden that part of LOT 5 marked "Right of Way "U" (Private)" on the Plan; and

Witness to the Common Seal of)
John Fuglsang Developments Pty Ltd)

Witnesses to the Common Seal of)
Tasmanian Trustees Limited)

Signed by the Attorneys for Trust Bank)

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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 7 OF 10 PAGE/S	Registered Number SP 129068
SUBDIVIDER: JOHN FUGLSANG DEVELOPMENTS PTY LTD FOLIO REFERENCE: 128966/1	

(b) for the owner of LOT 1 on Sealed Plan No. 127792 to erect a barrier along the line marked "OO.KK" on the Plan to prevent unauthorised entry by motor vehicles onto that area of LOT 5.

6.11 a right of carriageway (but not including any right to stop, to load or unload) (appurtenant to LOT 1 on Sealed Plan No. 127792) over that part of LOT 5 marked "Right of Way "Z" (Private)" on the Plan;

6.12 a right of carriageway (but not including any right to stop, to load or unload) (appurtenant to LOT 1 on Sealed Plan No. 127792) limited in height from 14.33 Australian Height Datum to 16.83 Australian Height Datum over that part of LOT 5 marked "Right of Way "V" (Private)" on the Plan;

6.13 an easement for encroachment (appurtenant to LOT 3 on Sealed Plan No. 127792) to permit balconies constructed at any point along that part of the boundary between LOT 5 on the Plan and LOT 3 on Sealed Plan No. 127792 marked "A.B.DD" on the Plan to overhang that part of LOT 5 marked "A.D.EE.FF.DD.B" on the Plan by no more than 1.5 metres;

6.14 a right to the unimpeded passage of light and other beneficial properties of solar radiation (appurtenant to LOT 3 on Sealed Plan No. 127792) over that part of LOT 5 marked "A.D.EE.FF.DD.B" on the plan to all windows and other apertures of any building or buildings erected or to be erected on LOT 3 on Sealed Plan No. 127792 without any interruption or obstruction other than that caused by:

Witness to the Common Seal of)
John Fuglsang Developments Pty Ltd)

Witnesses to the Common Seal of)
Tasmanian Trustees Limited)

Signed by the Attorneys for Trust Bank)

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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 8 OF 10 PAGE/S	Registered Number SP 129068
SUBDIVIDER: JOHN FUGLSANG DEVELOPMENTS PTY LTD FOLIO REFERENCE: 128966/1	

(a) a building erected in compliance with the height restriction imposed by clauses 10.1 and 10.2 of this Schedule; and

(b) aerials, satellite receiving dishes, bushes, trees or shrubs erected or growing on the roof of the building referred to in sub-paragraph (a).

together with:

6.15 a right of drainage over Lot 3 on Sealed Plan 128966. as marked R.S.T.UU.VV.Q.P on the plan.

6.16 ~~a right of carriageway over Lot 3 on Sealed Plan 128966~~.

6.17 a right for Gabriel Butler his heirs and assigns the tenants and occupiers for the time being of the piece of land or any part thereof and his and their servants and at all times thereafter at his or their will and pleasure by night and by day and for all purposes to go return pass and repass with horses cattle and other beasts carts waggons and all other carriages laden or unladen to and from the said piece of land through over across and along All that strip of land extending from the said land to the New Wharf and being throughout of the width of 18'6" wide or thereabouts and which strip of land is shown on the plan endorsed on Indenture of Release No. 3/1562 and therein coloured brown and marked "STUV" on the Plan.

7. That part of LOT 5 marked "E.BB.SS.VV" on the Plan is together with a right of drift way ~~over Lot 3 on Sealed Plan 128966 and~~ over the strip of land marked "S.T.U.V." on the Plan.

Witness to the Common Seal of)
John Fuglsang Developments Pty Ltd)

Witnesses to the Common Seal of)
Tasmanian Trustees Limited)

Signed by the Attorneys for Trust Bank)

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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 9 OF 10 PAGE/S	Registered Number SP 129068
SUBDIVIDER: JOHN FUGLSANG DEVELOPMENTS PTY LTD FOLIO REFERENCE: 128966/1	

8. That part of LOT 5 marked "TT.WW.YY.ZZ.AA.F.UU" on the Plan is together with a right of carriage and drift way in through over along and ~~upon that part of Lot 3 on Sealed Plan 128966 marked "S.T.UU.VV.Q" on the Plan and~~ over the strip of land marked "S.T.U.V" on the Plan.

9. That part of LOT 5 marked "VV.UU.F.E" on the Plan is together with a right of carriage way and drift way in through over along and upon the strip of land marked "STUV" on the Plan.

RESTRICTIVE COVENANTS

That portion of Lot 5 on the plan marked A.D.EE.FF.DD.B on the plan which formerly comprised part of Lot 7 on Sealed Plan No. 127792 is burdened by the restrictive covenants created by Sealed Plan No. 127792

10. ~~The owner or owners of that part of LOT 5 marked "A.D.EE.FF.DD.B" on the Plan covenants with~~ the owner or owners for the time being of LOT 3 on Sealed Plan No. 127792 and each and every part of it to the intent that the burden of this covenant ~~will run~~ with and bind that part of LOT 5 marked "A.D.EE.FF.DD.B" ~~on the Plan~~ (and each and every part of it) and that the benefit will be annexed to ~~and devolve with each and every part of LOT 3 on Sealed Plan No. 127792 as follows:~~ which benefit Lot 3 on Sealed Plan No. 127792 as follows:

10.1 not to construct or permit to be constructed on that part of LOT 5 marked "ABCD" on the Plan any temporary or permanent buildings or structures the highest point of which exceeds 11.70 metres above the Australian Height Datum as at 1st December 1996; and

10.2 not to construct or permit to be constructed on that part of LOT 5 marked "C.D.EE.FF.DD.B" on the plan any temporary or permanent buildings or structures (other than aerials, satellite receiving dishes, bushes, trees or shrubs) the highest point of which exceeds 14.82 metres above the Australian Height Datum as at 1st December, 1996.

Witness to the Common Seal of)
John Fuglsang Developments Pty Ltd)

Witnesses to the Common Seal of)
Tasmanian Trustees Limited)

Signed by the Attorneys for Trust Bank)

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 10 OF 10 PAGE/S	Registered Number SP 129068
SUBDIVIDER: JOHN FUGLSANG DEVELOPMENTS PTY LTD FOLIO REFERENCE: 128966/1	

PROFITS

No profits a prendre are created to benefit or burden any of the lots on the Plan.

The Common Seal of)
JOHN FUGLSANG DEVELOPMENTS)
PTY LTD (A.C.N. 009 530 812) (as registered)
proprietor of Certificate of Title Volume 128966)
Folio 1) was hereunto affixed in the presence of:)

JOHN FUGLSANG DEVELOPMENTS PTY LTD COMMON SEAL A.C.N. 009 530 812

.....
Sole Director and Secretary
John Theodore Fuglsang

The Common Seal of)
TASMANIAN TRUSTEES LIMITED)
(A.C.N. 009 475 629) (as mortgagee under)
Mortgage No. B948255) was hereunto affixed)
in the presence of:)

COMMON TASMANIAN TRUSTEES LIMITED A.C.N. 009 475 629 SEAL

.....
Director

.....
Director/Secretary

Executed by **TRUST BANK** ARBN 052 531 567)
(as mortgagee under Mortgage No. B948256))
SIGNED BY
TRUST BANK by its
attorney Geoffrey David Colls & Barry William Cruise under power No. 67/4762 (and the said Geoffrey David Colls & Barry William Cruise declare that they have received No Notice of revocation of the said power in the presence of

.....
Witness - Bank Officer, Hobart

Principal Officer.....

Principal Officer.....

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

RESULT OF SEARCH

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Tasmanian Government

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
129068	3
EDITION	DATE OF ISSUE
2	09-Jan-1998

SEARCH DATE : 20-Mar-2019
SEARCH TIME : 07.58 AM

DESCRIPTION OF LAND

City of HOBART
Lot 3 on Sealed Plan 129068
Derivation : Part of 8a 1r 9ps Gtd. to J. Montague, part of 2a 0r 3ps Gtd. to A. Haigh, part of 3a 0r 0ps Gtd. to J. Grant & part of 0a 3r 27ps Gtd. to T. Hewitt
Prior CT 128966/1

SCHEDULE 1

C80269 TRANSFER to HOBART CITY COUNCIL Registered 09-Jan-1998 at 12.04 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 129068 EASEMENTS in Schedule of Easements
SP 127792, SP 128966, SP 129068 COVENANTS in Schedule of Easements
C80272 INSTRUMENT Creating Restrictive Covenants Registered 09-Jan-1998 at 12.07 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

OWNER John Fuglsang Developments Pty.Ltd.

FOLIO REFERENCE C.T. 128966/1

GRANTEE

Part of 8.1.9,Granted to John Montagu,
Part of 2.0.3,Granted to Andrew Haigh,
Part of 3 acres Granted to James Grant and
Part of 0.3.27,Granted to Thomas Hewitt.

PLAN OF SURVEY

BY SURVEYOR Anthony Owen Carrick
Brooks Lark & Carrick, Surveyors
7 Despard Street Hobart

LOCATION
City of Hobart
(SECTION W3)

SCALE 1: 750 LENGTHS IN METRES

REGISTERED NUMBER
SP129068

APPROVED
EFFECTIVE FROM 26 NOV 1997
Recorder of Titles

MAPSHEET MUNICIPAL CODE No. 114 (522552)

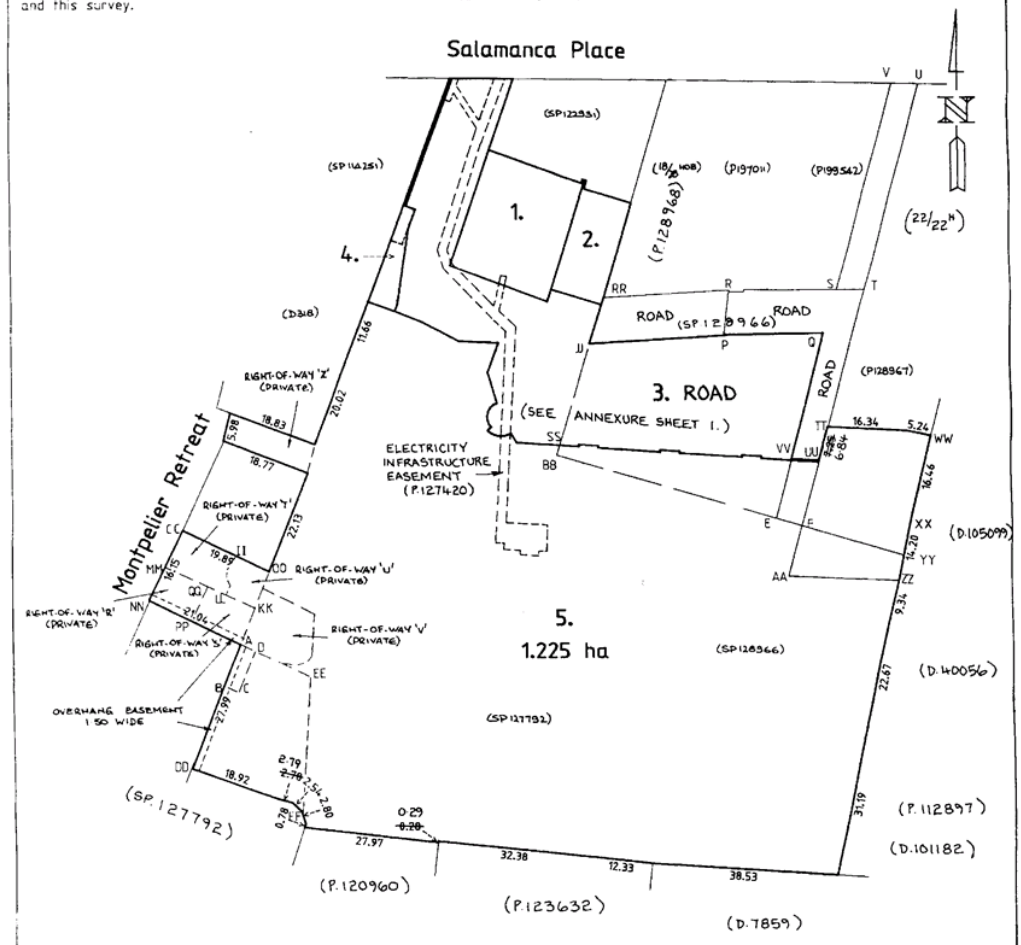
LAST UPI No. FPP66

LAST PLAN No. SP 128966

ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN

Lot 5 is compiled from C.T.128966/1 and this survey.

INDEX PLAN



RIGHT OF WAY 'R' (PRIVATE) (LABELLED MM,KK,A,NN) IS LIMITED IN HEIGHT FROM THE SURFACE OF THE ACCESS WAY OR RAMP TO 4 METRES ABOVE THE ACCESS WAY OR RAMP.
RIGHT OF WAY 'S' (PRIVATE) (LABELLED QQ,KK,A,PP) IS LIMITED IN HEIGHT FROM GROUND LEVEL TO THE UNDERSIDE OF THE RAMP.
RIGHT OF WAY 'T' (PRIVATE) (LABELLED CC,DD,KK,MM) IS LIMITED IN HEIGHT FROM THE CONCRETE FLOOR TO 2.5 METRES ABOVE THE CONCRETE FLOOR.
RIGHT OF WAY 'U' (PRIVATE) (LABELLED II,OO,KK,LL) IS LIMITED IN HEIGHT FROM 14.33 AHD TO 16.77 AHD.
RIGHT OF WAY 'V' (PRIVATE) IS LIMITED IN HEIGHT FROM 14.33 AHD TO 16.83 AHD.

FOLIO PLAN

DEPUTY RECORDER OF TITLES

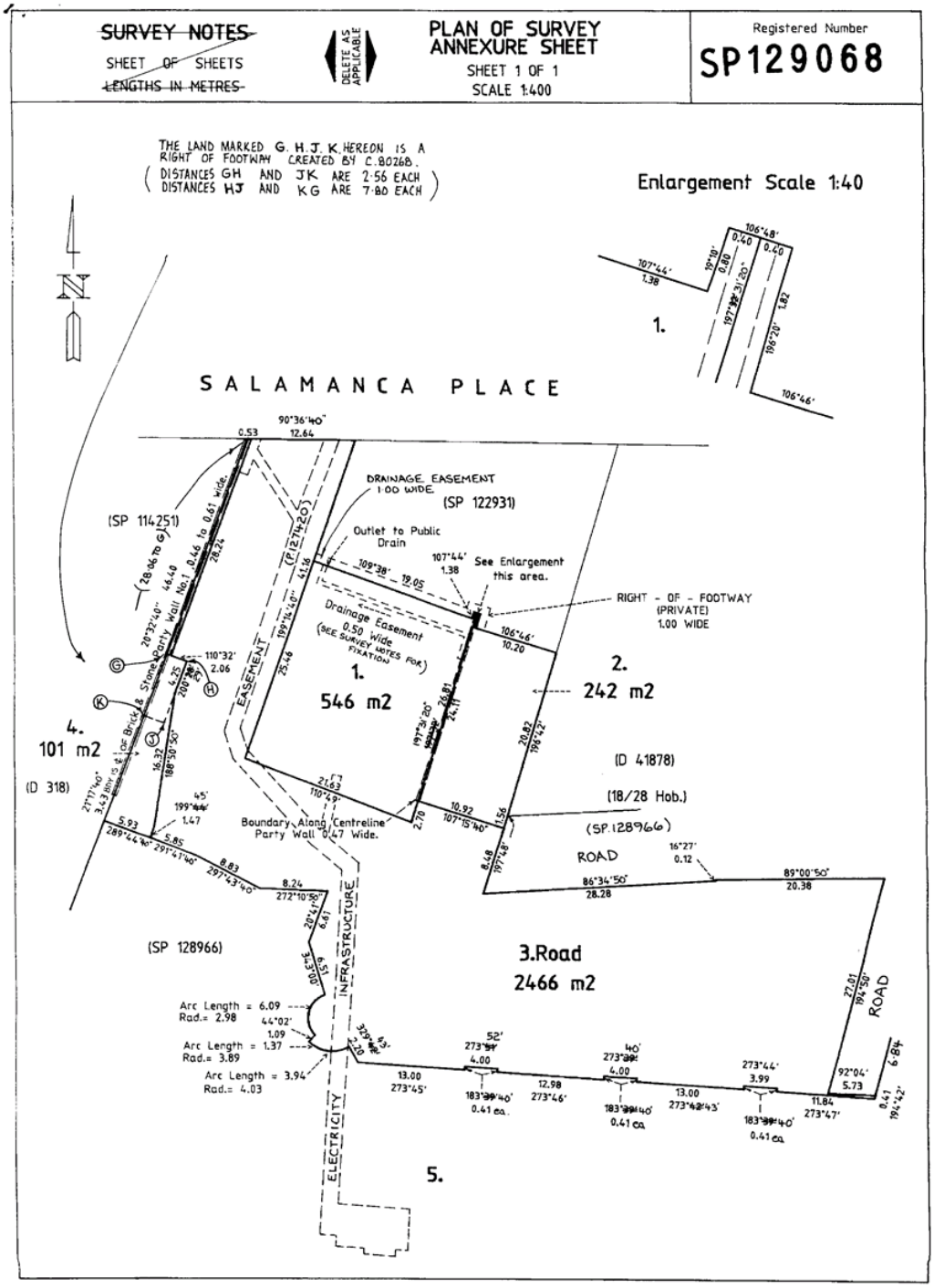
Issued Pursuant to the Land Titles Act 1980

~~SURVEY NOTES~~
SHEET OF SHEETS
~~LENGTHS IN METRES~~

DELETE AS APPLICABLE

PLAN OF SURVEY
ANNEXURE SHEET
SHEET 1 OF 1
SCALE 1:400

Registered Number
SP129068



City of HOBART

Enquiries to: City Planning
Phone: (03) 6238 2715
Email: coh@hobartcity.com.au

5 November 2019

Dominic Abbott (Design East)
153a Davey Street
HOBART TAS 7000

mailto: dabbott@designeast.com.au

Dear Sir/Madam

24 SALAMANCA SQUARE, BATTERY POINT - SIGNAGE ON COUNCIL LAND NOTICE OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION - GMC-19-19

Site Address:

24 Salamanca Square

Description of Proposal:

Four (4) illuminated signs within the highway reservation of Salamanca Square

Applicant Name:

Dominic Abbott, Design East

PLN *(if applicable)*:

PLN-19-114

I write to advise that pursuant to Section 52 of the *Land Use Planning and Approvals Act 1993*, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority.

This consent does not constitute an approval to undertake any works and does not authorise

the owner, developer or their agents any right to enter or conduct works on any Council managed land whether subject to this consent or not.

If planning approval is granted by the planning authority, you will be required to seek approvals and permits from the City as both landlord, land manager, or under other statutory powers (such as other legislation or City By-Laws) that are not granted with the issue of a planning permit under a planning scheme. This includes the requirement for you to reapply for a permit to occupy a public space under the City's Public Spaces By-law if the proposal relates to such an area.

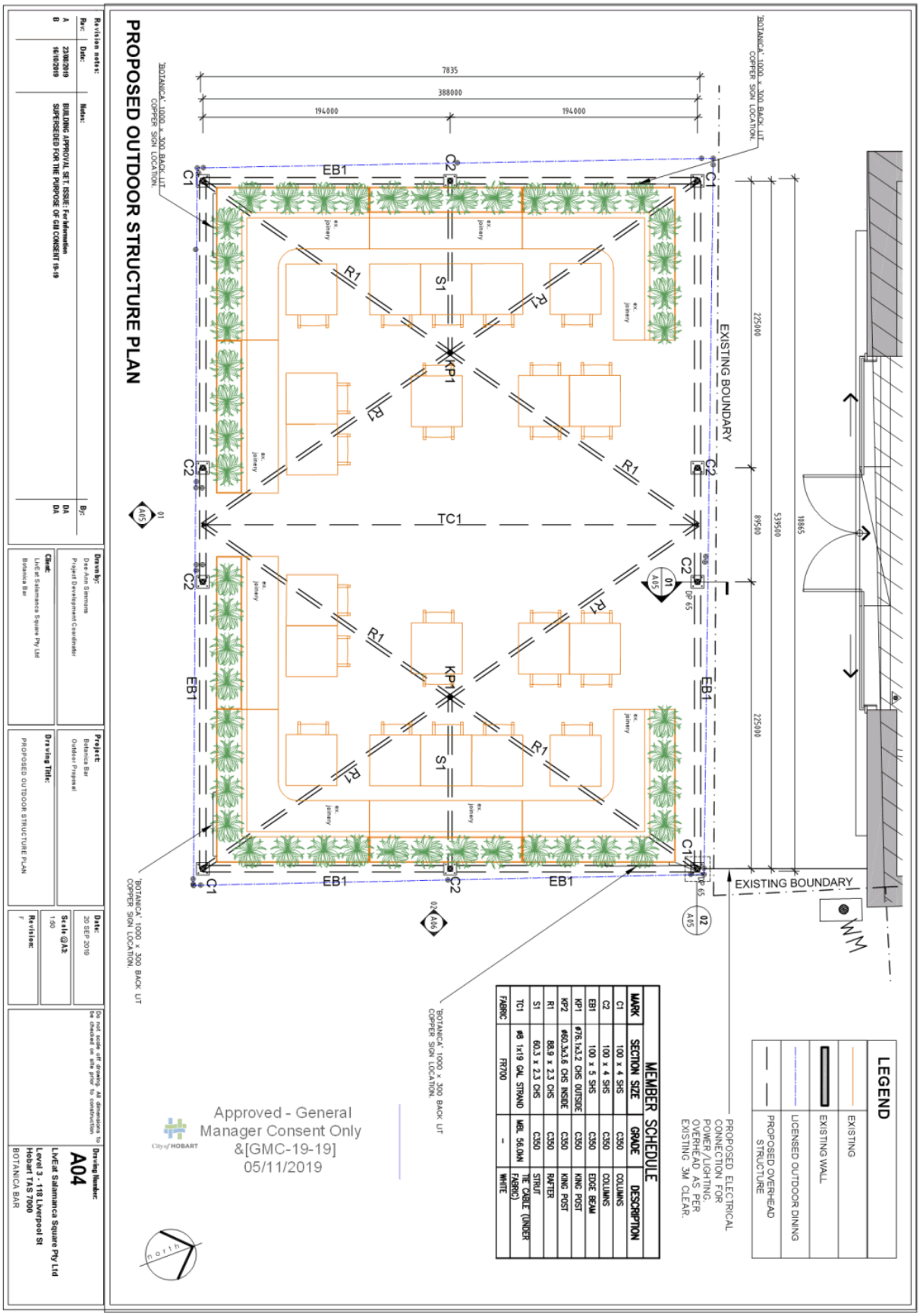
Accordingly, I encourage you to continue to engage with the City about these potential requirements.

Yours faithfully

(N D Heath)
GENERAL MANAGER

Relevant documents/plans:

Images x 3
Proposed Outdoor Structure Plan - Rev B dated 16/10/19
Email dated 16/10/2019 from Dominic Abbott - Design East


PROPOSED OUTDOOR STRUCTURE PLAN
'BOTANICA' 1000 x 300 BACK LIT COPPER SIGN LOCATION
EXISTING BOUNDARY
EXISTING WALL
LICENSED OUTDOOR DINING
PROPOSED OVERHEAD STRUCTURE
PROPOSED ELECTRICAL CONNECTION FOR POWER/LIGHTING. OVERHEAD AS PER EXISTING 3M CLEAR.
LEGEND
EXISTING
MEMBER SCHEDULE
MARK | SECTION SIZE | GRADE | DESCRIPTION
C1 | 100 x 4 SHS | C350 | COLUMNS
C2 | 100 x 4 SHS | C350 | COLUMNS
EB1 | 100 x 5 SHS | C350 | EDGE BEAM
KP1 | #76.1x3.2 CHS OUTSIDE | C350 | KING POST
KP2 | #60.3x3.6 CHS INSIDE | C350 | KING POST
R1 | 88.9 x 2.3 CHS | C350 | RAFTER
S1 | 60.3 x 2.3 CHS | C350 | STRUT
TC1 | #8 1x19 GAL STRAND | MBL 56.0kN | TIE CABLE (UNDER FABRIC)
FABRIC | FR700 | - | WHITE
Approved - General Manager Consent Only &[GMC-19-19] 05/11/2019
City of HOBART
Revision notes:
Rev: A Date: 23/08/2019 By: DA Notes: BUILDING APPROVAL SET ISSUE- For Information
Rev: B Date: 16/10/2019 By: DA SUPERSEDED FOR THE PURPOSE OF DA CONSENT 19-19
Drawn by: Dre-Ann Simmons, Project Development Coordinator
Client: LivEat Salamanca Square Pty. Ltd, Botanica Bar
Project: Botanica Bar, Outdoor Proposal
Drawing Title: PROPOSED OUTDOOR STRUCTURE PLAN
Date: 20 SEP 2019
Scale @A3: 1:50
Revision: F
Do not scale off drawing. All dimensions to be checked on site prior to construction
Drawing Number: A04
LivEat Salamanca Square Pty Ltd
Level 3 - 118 Liverpool St
Hobart TAS 7000
BOTANICA BAR

Nicole Spooner

From: Design Three <DAbbott@designeast.com.au>
Sent: Wednesday, 16 October 2019 10:39 AM
To: Records Unit
Cc: Cindy Elder
Subject: REVISED Plan GM Consent PLN-19-114 24 Salamanca Sq
Attachments: sign 1.jpg; sign 2.jpg; sign 3.jpg; GM CONSENT 16.10.19.pdf

To Whom it May Concern

Please see attached REVISED drawing set showing signage location and proposed overhead power supply. This is 1000x300, the material is copper back lit with 3000K LEDs. Thanks

Kind Regards,

Dominic Abbott

design.EAST
building design and interior architecture
153a Davey Street
Hobart TASMANIA 7000
P: (03) 6223 6740
W: www.designeast.com.au

design.**EAST** proudly supports Médecins Sans Frontières **DOCTORS WITHOUT BORDERS**

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City of HOBART
Approved - General Manager Consent Only &[GMC-19-19] 05/11/2019


Botanica


Botanica


Botanica

Application Referral Cultural Heritage - Response

From:	Sarah Waight
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	24 SALAMANCA SQUARE, BATTERY POINT ADJACENT ROAD RESERVE
Proposal:	Signage
Application No:	PLN-19-780
Assessment Officer:	Richard Bacon,

Referral Officer comments:

This is signage for the proposed new outdoor dining area that was previously approved as part of PLN-19-114. The proposal is for four (4) signs positioned on the external walls/planter boxes that enclose the outdoor dining/bar space. Each sign is 900mm of lettering on a 1.5 metres copper panel that is 300mm high. Within is a LED light strip that illuminates the lettering.

The site is adjacent to a place listed in Table 1: Places of Cultural Significance. Therefore the provisions of 25.11 within Schedule 4 of the Signs Code of the *Sullivans Cove Planning Scheme 1997* apply.

- *A sign on or adjacent to or within a place of cultural significance (as listed in Table 1 of Schedule 1 of this planning scheme) is 'Discretionary'.*
- *A sign in the Cove area must not either by its size, design or content detract from the character and heritage value of buildings both individually and collectively including those groups or buildings comprising some which may not be of particular heritage value.*
- *For modern standardised trademark or propriety logo advertising, corporate image requirements such as specific colours must be adapted to suit the individual location and building.*
- *A sign to be affixed to any place of cultural significance included in Schedule 1 of the Planning Scheme must maintain or reinstate and not detract from its original architecture, heritage value or character.*
- *Signs must be placed to allow the architectural details of the building to remain prominent.*
- *Signs must be placed in locations on the building or item that would traditionally have been used as advertising areas. Historical documentation may be required to justify the placement of any new signs.*
- *No signs shall dominate or obscure any other signs and in particular an historic sign forming an integral part either of a building's architectural treatment of detailing, or its heritage.*
- *Fixtures must not damage historic building fabric, including but not restricted to attachments to masonry and wood. All signs and related fittings are to be fixed using appropriate non-corrosive fixings inserted in mortar joints.*
- *Signs that break an historic parapet or roof line will be prohibited.*
- *Use of side-walls to locate signs is prohibited if the wall does not form a street-frontage, or has not historically been used for signs.*
- *Strings of light bulbs are prohibited.*

- *Internally illuminated signs attached to a building of cultural significance (excluding contemporary buildings and extensions on a place of cultural significance that are not themselves of cultural significance) are prohibited.*

This proposal is not attached to a building of cultural significance. The copper face on the timber board walls will mean that the sign and background colour and materials will not be in stark contrast with each other and therefore result in an individually prominent of dominant set of signage. The light bulbs in the renderings are prohibited. A condition of permit is to be included that clarifies that the strings of bulbs are not approved.

As such, the proposed signs are acceptable when assessed against clause 25.11 of the Schedule 4 of the Scheme.

Sarah Waight
Acting Senior Cultural Heritage Officer
12 December 2019

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.2.1 95 HAMPDEN ROAD, BATTERY POINT - INTENSIFICATION OF PREVIOUSLY APPROVED USE (FOOD SERVICES), PARTIAL DEMOLITION, ALTERATIONS AND SIGNAGE PLN-19-794 - FILE REF: F20/4930

Address:	95 Hampden Road, Battery Point
Proposal:	Intensification of Previously Approved Use (Food Services), Partial Demolition, Alterations and Signage
Expiry Date:	29 January 2020
Extension of Time:	Not applicable
Author:	Liz Wilson

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for intensification of previously approved use (food services), partial demolition, alterations and signage at 95 Hampden Road, Battery Point, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-19-794 - 95 HAMPDEN ROAD BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2019/01660-HCC dated 18 November 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6088 dated 20 December 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 14

The noise generated by the use, including from music played inside, must not cause environmental harm when measured at the boundary of the subject site. This planning permit does not approve the playing of any music externally from the building.

Reason for the condition

To ensure noise emissions do not cause environmental harm and do not have an unreasonable impact on residential amenity.

PLN 6

The use must not be open to the public outside of the following hours:

- **Sunday to Thursday 7.00am to 9.00pm**
- **Friday and Saturday 7.00am to 10.00pm**

Reason for condition

To ensure that non-residential use does not unreasonably impact on residential amenity.

PLN 7

There is no outdoor dining approved under this planning permit.

Reason for condition

To reduce the likelihood of any unreasonable impact upon the amenity of the adjacent residential property through noise emissions, and to ensure compliance with the non-residential use standards in the *Hobart Interim Planning Scheme 2015.*

PLN s1

The food services use must not have more than 12 seats for customers.

Reason for condition

To clarify the scope of the permit

PLN s2

The removal of hard waste (e.g. glasses and cans) to the garbage bins located outside the building is prohibited before 7.00am and after 8.00pm Monday to Friday and before 9.00am and after 8.00pm on weekends and public holidays.

Reason for condition

To avoid unreasonable impact on surrounding residential amenity through noise emissions that are unreasonable in their timing, duration or extent.

HER s2

The Bahr's shop sign on the front façade is to be retained in situ, conserved and repaired as necessary during works and subsequent uses.

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage significance.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's website for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016.* Click here for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click here for more information.

SPECIAL CONNECTION PERMIT

You may need a Special Connection Permit (Trade Waste) in accordance with the *Plumbing Regulations 2014* and the Tasmanian Plumbing Code. Click here for more information.

PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click here for more information.

FOOD BUSINESS REGISTRATION

Food business registration in accordance with the *Food Act 2003*. Click here for more information.

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click here for more information.

NOISE REGULATIONS

Click here for information with respect to noise nuisances in residential areas.

Attachment A:	PLN-19-794 - 95 HAMPDEN ROAD BATTERY POINT TAS 7004 - Planning Committee or Delegated Report ⇩
Attachment B:	PLN-19-794 - 95 HAMPDEN ROAD BATTERY POINT TAS 7004 - CPC Agenda Documents ⇩
Attachment C:	PLN-19-794 - 95 HAMPDEN ROAD BATTERY POINT TAS 7004 - Planning Referral Officer Cultural Heritage Report ⇩

City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	28 January 2020
Expiry Date:	29 January 2020
Application No:	PLN-19-794
Address:	95 HAMPDEN ROAD , BATTERY POINT
Applicant:	Stuart Bowling (Stuart Bowling Building Design) PO Box 321 PO Box 321
Proposal:	Intensification of Previously Approved Use (Food Services), Partial Demolition, Alterations and Signage
Representations:	Nine (9)
Performance criteria:	Use standards, historic heritage code, signs code

1. Executive Summary

1.1 Planning approval is sought for Intensification of Previously Approved Use (Food Services), Partial Demolition, Alterations and Signage.

1.2 More specifically the proposal includes:

- The use of the commercial tenancy on the corner of Hampden Road and Stowell Avenue as 'food services' (pizza restaurant).
- The proposed hours of operation are Monday to Thursday 7am to 10pm and Friday to Sunday 7am to 11pm.
- The advertised documents indicate that there will be 20 seats for patrons who dine-in. Takeaways will also be available. The applicant has since advised that there will only be 12 seats. If a planning permit is granted, this reduced number will be limited by condition.
- There is no onsite parking for the 'food services' use. The two existing parking spaces are allocated to the two existing visitor accommodation units on the site.
- The business will have three (3) employees.
- There will be no outdoor dining, and any music will be quiet music played inside only.
- No additional outdoor lighting is proposed.
- There will be one (1) pizza delivery vehicle.
- Garbage collection will be by Council collection of garbage bins and additional refuse will be disposed of by the business owners in their own vehicles.
- Restaurant supplies will be by the restaurant owners in their own vehicle, with no commercial deliveries or collection to or from the site.
- Rubbish removal and restaurant stock vehicle movements will be during the day, and generally between 9am and 5pm.
- The existing Bahr's horizontal projecting wall sign will be removed and replaced with a new sign ("Lord of Pizzas & Cafe"). One side of the Bahr's sign will be relocated to the foyer that leads to the two visitor accommodation units and the other side will be on the wall in the restaurant.
- The sign will be illuminated between 5pm and 10pm Monday to Thursday and 5pm to 11pm Friday to Sunday.
- Some minor work is proposed to the commercial kitchen, including new vinyl wall sheeting, new exhaust canopy and relocating a hand washing basin.
- External alterations including an exhaust duct and repositioning of cold water pipes and the gas water heater.

1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

1.3.1 Inner Residential Zone Use Standards - Hours of Operation, Noise Emissions
1.3.2 Historic Heritage Code
1.3.3 Signs Code

1.4 Nine (9) representations objecting to the proposal were received within the statutory advertising period between 2 and 16 December 2019.

1.5 The proposal is recommended for approval subject to conditions.

1.6 The final decision is delegated to the Council.

2. Site Detail

2.1 The property is located on the corner of Hampden Road and Stowell Avenue. It was previously Bahr's Chocolate Shop and Milk Bar and most recently Cafe Auslan.



Fig. 1. Subject property.



Fig. 2. Subject property showing the last tenant (Cafe Auslan). Source: VeronikaWild.com



Fig. 3. Subject property showing the previous tenant (Bahr's Chocolate Shop and Milk Bar). Source: GoogleMaps.

3. Proposal

3.1 Planning approval is sought for Intensification of Previously Approved Use (Food Services), Partial Demolition, Alterations and Signage.

3.2 More specifically the proposal includes:

- The use of the commercial tenancy on the corner of Hampden Road and Stowell Avenue as 'food services' (pizza restaurant).
- The proposed hours of operation are Monday to Thursday 7am to 10pm and Friday to Sunday 7am to 11pm.
- The advertised documents indicate that there will be 20 seats for patrons who dine-in. Takeaways will also be available. The applicant has since advised that there will only be 12 seats. If a planning permit is granted, this reduced number will be limited by condition.
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- No additional outdoor lighting is proposed.
- There will be one (1) pizza delivery vehicle.
- Garbage collection will be by Council collection of garbage bins and additional refuse will be disposed of by the business owners in their own vehicles.
- Restaurant supplies will be by the restaurant owners in their own vehicle, with no commercial deliveries or collection to or from the site.
- Rubbish removal and restaurant stock vehicle movements will be during the day, and generally between 9am and 5pm.
- The existing Bahr's horizontal projecting wall sign will be removed and replaced with a new sign ("Lord of Pizzas & Cafe"). One side of the Bahr's sign will be relocated to the foyer that leads to the two visitor accommodation units and the other side will be on the wall in the restaurant.
- The sign will be illuminated between 5pm and 10pm Monday to Thursday and 5pm to 11pm Friday to Sunday.
- Some minor work is proposed to the commercial kitchen, including new vinyl wall sheeting, new exhaust canopy and relocating a hand washing basin.
- External alterations including an exhaust duct and repositioning of cold water pipes and the gas water heater.

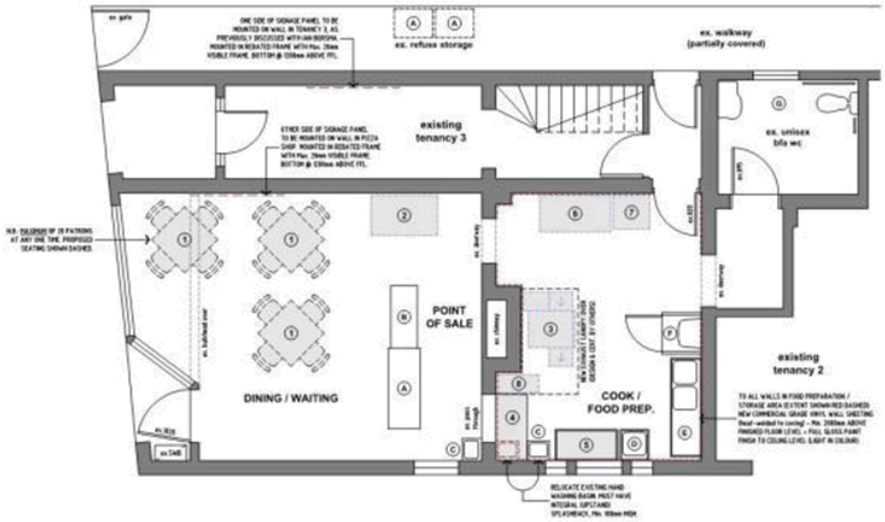


Fig. 4. Proposed floor plan.



Fig. 5. Existing and proposed sign.

4. Background

4.1 The most recent and relevant planning permits relating to 95 Hampden Road are as follows:

- PLN-17-165 - approved a change of use to food services and two dwellings. Conditions were placed on the permit restricting the hours of operation to Monday to Sunday 8am to 6pm (PLN 6) and the number of seats to 30 (PLN s1). Council's Cultural Heritage Officer placed a condition on the permit (HER s1) requiring that no shop fittings or shelving attached to the walls of the ground floor shop are to be removed or altered in association with the approved use or subsequent uses. Another condition (HER s2) required that the Bahr's shop sign on the front facade remain in situ, conserved and repaired in association with the approved use or subsequent uses. Two on-site parking spaces were approved under this permit, both allocated to the dwellings on the site, and none allocated to the commercial tenancy.

- PLN-18-367 - approved the change of use of the two dwellings approved under PLN-17-165 from residential to visitor accommodation.

5. Concerns raised by representors

5.1 Nine (9) representations objecting to the proposal were received within the statutory advertising period between 2 and 16 December 2019.

5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

• The development will cause significant traffic congestion because of the narrowing of Hampden Road at this corner and the existing traffic flows.
• The business will cause traffic chaos in Hampden Road for some distance on either side of Stowell Avenue as traffic in this area is already high, slow and often difficult, particularly entering and exiting Stowell Avenue.
• Parking is limited for residents and delivery vehicles and customers will add significantly to an existing problem.
• This business will attract customers in cars, adding to parking and traffic stress in the area.

• It is unclear how the traffic generated by the business will not "cause any detriment to the current operation of the street". 20 customers would be expected to travel by 5 to 10 vehicles unless travelling on foot or by public transport. Added to this would be take-away pick-ups which are proposed to form the bulk of the business, again often involving a vehicle.
• Take-away customers will queue for parking spaces, linger in spaces where parking is prohibited (e.g. driveways and yellow lines), and drive around the streets to find a close available parking space.
• Where will the delivery vans park? To say that the owners will do their own commercial deliveries is unrealistic.
• Battery Point is already well provided for this type of service.
• Any commercial activities should be daytime only in the residential zone. It would be the only business open in the evenings and the proposed operating hours are therefore incompatible with the area and would greatly affect amenity.
• Other restaurants in the area open later into the evening (e.g. D'Angelo's); however these are closely located next to each other in a stretch of Hampden Road occupied by a number of restaurants, which is considered to be the commercial precinct in Hampden Road. The proposed development is distantly removed from these other restaurants and located in a part of Hampden Road which is primarily residential, and will cause greater disruption to residents and occupiers than other restaurants in the area.
• The hours of operation will lead to unacceptable levels of street noise from patrons going to and from the business.
• The area for patrons dining-in and waiting for take-away food is small and will likely cause patrons to congregate on the footpath outside Hampden Road or around the corner in Stowell Avenue. Smoking, drinking and use of mobile phones outside the premises by patrons will adversely affect us.
• Both the chocolate shop and the coffee shop were an unobtrusive use of the premises.
• The smells from the pizza oven will be unreasonable.
• The size of the pizza oven is not commercially viable. The logistics of the prep area in relation to the oven is very dangerous and illogical.
• Closing times will dramatically change the dynamic of the area, like Legs and Breasts did on Montpelier Street.

• A takeaway creates lots of rubbish. One small plastic green bin will not cope. The next closest big bin is in Francis Street, hundreds of metres away.
• To compare this takeaway to D'Angelo's is an insult. D'Angelos is a proper sit-down restaurant. They do takeaways, but this is a minor percentage of their revenue.
• The cost of works and number of employees is unrealistic.
• The Bahr's Chocolate Shop Milk Bar sign is of heritage significance and is a landmark in the area, and should stay. If it is removed and hung inside the building there is no guarantee that once removed it will remain there and intact.
• The large illuminated pizza sign will degrade the heritage value of Battery Point.
• The development affects the historical context of 95 Hampden Road and nearby properties.
• The development will result in a loss of property values.
• Amenity will be lost through the visual impact of the development, additional noise and fat and food effluent from the exhaust.

6. Assessment

6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.

6.3 The existing and proposed use is visitor accommodation and food services. Visitor accommodation is a prohibited use in the zone (the use was approved under PLN-17-391 when Planning Directive 2 designated visitor accommodation as a permitted use in heritage precinct Battery Point 1: it is now a prohibited use under Planning Directive 6). Food services is a discretionary use in the zone. The proposal is for an intensification of the approved food services use.

6.4 The proposal has been assessed against:

6.4.1 Part D - 11.0 Inner Residential Zone Standards

6.4.2 Part E - 6.0 Parking and Access Code

6.4.3 Part E - 13.0 Historic Heritage Code

6.4.4 Part E - 17.0 Signs Code

6.5 The proposal relies on the following performance criteria to comply with the applicable standards:

6.5.1 Hours of Operation – Part D 11.3.1 P1

6.5.2 Noise Emissions - Part D 11.3.1 P2

6.5.3 Historic Heritage Code – Part E 13.7.1 P1, 13.7.2 P1, P2 and P3, 13.8.1 P1 and 13.8.2 P1

6.5.4 Signs Code - Part E 17.7.2 P1

6.6 Each performance criterion is assessed below.

6.7 Hours of Operation – Part D 11.3.1 P1

6.7.1 The acceptable solution at clause 11.3.1 A1 for hours of operation is:

- Monday to Sunday 8am to 6pm.

6.7.2 The proposal is to extend the hours of operation for the food services use to:

- Monday to Thursday 7am to 10pm
- Friday to Sunday 7am to 11pm

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criterion at clause 11.3.1 P1 provides as follows:

Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

6.7.5 The tenancy has a valid planning permit to be used for 'food services'

which was issued under PLN-17-165. The previous occupant of the tenancy was the Auslan Cafe which was a day-time food services use that had both an eat-in and take-away component and was restricted to the hours of operation approved under PLN-17-165 (8am to 6pm Monday to Sunday). The use was approved under this permit to have up to 30 seats.

6.7.6 The new operator (Lord of Pizzas and Cafe) is also a 'food services' use with a take-away and eat-in component, and is proposing to operate between 7am to 10pm Monday to Thursday and 7am to 11pm Friday to Sunday. The number of seats is reduced to 12. The new use is still 'food services'; however the use has intensified because the hours of operation are extended to beyond those approved under PLN-17-165.

6.7.7 The Objective of the Non-Residential Use Standards is:

To ensure that non-residential use does not unreasonably impact residential amenity.

6.7.8 The performance criterion (clause 11.3.1 P1) requires Council to assess this impact in terms of "commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent". It is considered that the operation of the business until 10pm Monday to Thursday and 11pm Friday to Sunday has the potential to cause an unreasonable impact upon residential amenity in the vicinity.

6.7.9 The tenancy has been used for commercial purposes for a long time, predominantly as the Bahr's Chocolate Shop and then as a day-time cafe/restaurant. It is located in the Inner Residential Zone, with the Urban Mixed Use Zone (where D'Angelo's, the Prince of Wales Hotel and other commercial uses are sited) being approximately 71m to the east. The existing use of the tenancy (food services) is considered to be an appropriate non-residential use in the zone, has a valid planning permit, and is not being re-assessed under this planning assessment. The issue is whether the intensification of the use via the increase in trading hours is unreasonably detrimental in the zone.

6.7.10 The property is surrounded by residential buildings, both in Hampden Road and Stowell Avenue. The zoning provisions prioritise residential amenity, but also seek to provide a balance between residential amenity and the operational needs of commercial uses within the zone. The restaurant does not have any outdoor dining facilities and the applicant has stated that "any music provided inside the premises will be low volume background music (i.e. atmospheric restaurant music)".

Customers eating within a restaurant or waiting inside for their take-away orders do not generally make loud, anti-social noises, with noise generally at the level of conversational talking. Many take-away customers would not even visit the premises, instead getting their orders delivered by the business' pizza delivery vehicle. It is considered that noise from within the premises (music, talking, food preparation) would not have an unreasonable impact upon residential amenity in the vicinity and so meets the performance criterion.

6.7.11 The main noise impact from the business would come from customers arriving at and leaving the premises, closing car doors and talking as they walk up the street to the business. The level of impact from this (that is, how much it would affect or annoy the average person living in the area) stems from the hours that this noise would occur, with the level of impact increasing the later into the evening that noise occurs. People living in the vicinity would not be unreasonably impacted by the level of noise created by car doors opening and closing and pedestrians talking while they are preparing and eating dinner or watching evening television; however they would be impacted while they are trying to get to sleep later in the evening.

6.7.12 Whilst it is acknowledged that the time that people go to bed varies from person to person, and different people have different tolerances to noise, the noise from car doors and from people talking as they walk up the street would not be overly loud, would not occur constantly, and would vary between customers: customers would not all park outside the same houses, some would close car doors loudly, some quietly, and some would talk as they walk, some would not. It is considered that if the premises were conditioned to close earlier than proposed this would strike a reasonable balance between maintaining residential amenity and allowing a business which wants to sell dinner-time food to reasonably operate.

Council recently approved a restaurant located within the Inner Residential Zone at 98 Augusta Road. This permit was conditioned so that the business closed at 9.30pm in order to protect residential amenity. With this example as a guide, a suggested closing time of 9.30pm was put to the applicant for the current proposal, who then requested that Council consider the following alternative hours:

- Sunday to Thursday - 7.00am to 9.00pm
- Friday and Saturday - 7.00am to 10.00pm

These hours are considered to provide a reasonable balance between residential amenity and the operation of the business. The business would close to customers at 9.00pm five days a week. The last customers would need to sit down well before then (say by 8.30pm) to allow time to have their meal cooked and eaten before closing time, and would leave at or before 9.00pm. Take-away customers would need to arrive before 9.00pm to collect their meal. This is on the evenings where most people living in the area would be working the next day, with any potential customer street noise ceasing around or before bedtime. On Fridays and Saturdays the business would open until 10pm. These are nights when most people are more tolerant to noise and are potentially going to bed later. Other businesses in the area also open at this time, and so the local area would already experience noise from customers parking and coming and going - D'Angelo's for example is advertised to close at 11pm on Fridays and Saturdays (and 10pm on the other nights), the Prince of Wales Hotel is advertised to close at 12 midnight on Fridays and 11pm on Saturdays (and 10pm on the other nights).

6.7.13 The other potential noise impacts from a business comes from the background operation of the business: commercial garbage collection, goods deliveries and the emptying of hard waste (such as bottles, jars and cans) into outdoor garbage bins. The applicant has stated that there will not be any commercial garbage collection. Their rubbish will be collected by Council in standard wheelie bins on normal collection days. This will have no impact on neighbours as their residential rubbish would be collected by the Council at the same time. The applicant has stated that refuse that won't fit into the Council bins will be disposed of by the restaurant owners in their own cars. Again, this would not impact on neighbours. There is therefore not considered to be any unreasonable impact on residential amenity by rubbish collection. The applicant has stated that there will be no commercial goods deliveries to the site, with all produce transported in the restaurant owners' own cars. Food will be stored in the shed at the rear of the site. This would not unreasonably impact on residential amenity in the vicinity. The rubbish bins are stored in an undercover area between 95 and 97 Hampden Road and hidden from Hampden Road by a gate. So long as noisy rubbish (jars, bottles, cans, etc) was not emptied into these bins in the early morning or later in the evening, the use of these bins would not unreasonably affect residential amenity. The Council determined that hard waste into garbage bins was acceptable at 98 Augusta Road between 7am and 8pm Monday to Friday and 9am to 8pm on weekends, and so the same condition is recommended for 95 Hampden Road.

6.7.14 Some of the representors have raised concerns about smell and other emissions coming out of the kitchen ducts. The ducting comes out of the external wall between 95 and 97 Hampden Road. This neighbour has not raised any concerns. A planning permit cannot control what types of food are cooked within a restaurant. Menus can change or different types of restaurants can move in, without any reference to the planning scheme. Smells, and whether they are considered to be a nuisance, are more properly controlled under the *Environmental Management and Pollution Control Act 1994* on a case by case basis. The potential emission of pizza smells through the external ducting is not considered to be a grounds of refusal.

6.7.15 Subject to conditions, the proposal is considered to comply with the performance criterion.

6.8 Noise Emissions - Part D 11.3.1 P2

6.8.1 The acceptable solution at clause 11.3.1 A2 requires that noise emissions measured at the boundary of the site be limited to the following:

(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;
(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;
(c) 65dB(A) (LAmax) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

Noise levels are to be averaged over a 15 minute time interval.

6.8.2 The proposal does not include a noise assessment as per the acceptable solution.

6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause 11.3.1 P2 provides as follows:

Noise emissions measured at the boundary of the site must not cause environmental harm.

6.8.5 The business does not have any outdoor dining, will only play quiet background music, and if approved should be conditioned to close at 9.30pm. The use of the outdoor bins should also be conditioned. Any noise emissions from the business within the site and measured at the boundary of the site would be very low level and would not cause environmental harm.

6.8.6 The proposal complies with the performance criterion.

6.9 Historic Heritage Code - Part E 13.7.1 P1, 13.7.2 P1, P2 and P3, 13.8.1 P1 and 13.8.2 P1

6.9.1 There is no acceptable solution for works to a listed place or in a heritage precinct.

6.9.2 The proposal includes works to a place that is listed in the planning scheme, located in heritage precinct Battery Point 1, and is listed with the Tasmanian Heritage Council.

6.9.3 There are no acceptable solutions; therefore assessment against the performance criterion is relied on.

6.9.4 The relevant performance criteria provide as follows:

E.13.7.1 P1

Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;

(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;
(b) there are no prudent and feasible alternatives;
(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;
(d) significant fabric is documented before demolition.

E.13.7.2 P1

Development must not result in any of the following:

(a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;
(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.

E.13.7.2 P2

Development must be designed to be subservient and complementary to the place through characteristics including:

(a) scale and bulk, materials, built form and fenestration;
(b) setback from frontage;
(c) siting with respect to buildings, structures and listed elements;
(d) using less dominant materials and colours.

E.13.7.2 P3

Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.

E.13.8.1 P1

Demolition must not result in the loss of any of the following:

(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;
(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;
unless all of the following apply;

(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;
(ii) there are no prudent or feasible alternatives;
(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.

E.13.8.2 P1

Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.

6.9.5 The Council's Cultural Heritage Officer has advised as follows:

This place is heritage listed in table E13.1 of the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015*. It is also located in the Battery Point 1 Heritage Precinct. This proposal follows on from numerous applications for modifications and alterations to the property that prior to a change of ownership, operated for a long period of time as a small local shop and was well known as a local sweet shop.

This application is for signage, works to the interior for new ducting from the kitchen to the exterior. The ducting is to be through the property to the exterior on the side of the building adjacent to 97 Hampden Road such that it is on the side of the building that is for side access. The proposal is to accommodate a new dine-in/take away pizza shop and to change the existing Bahr's sign with a pizza sign.

Nine (9) representations were received during the advertising period. The following heritage issues were raised:

- Please keep the sign its current size and do not permit it to be illuminated. The current Bahrs chocolate bar sign has a small amount of illumination but it is of a vintage character. A bigger, internally illuminated, new orange pizza sign will look garish rather than vintage.
- It represents the destruction of history and amenity.
- The last business, a coffee shop, was required by Council, to leave the Bahr's Milk Bar sign. The Bahr's Milk Bar sign is of historic significance.
- The development affects the historical context of the property at 95 Hampden Road and every nearby property including Narryna.
- Not in keeping with the historical significance of the Battery Point precinct.

Heritage Tasmania records the Bahr family as long-term owners of the building from 1920s, maybe earlier, until at least 1949, and the building continued to operate as a chocolate shop and milk bar until very recently. This shop and sign are a longstanding landmark in the area. Many people know "the chocolate shop on Hampden Rd" and it is part of the area's/city's cultural heritage not to be tampered with. Whilst it currently needs repair it is completely salvageable at this stage. Even if approval

for its removal was granted with the proposal of hanging it in the interior of the shop or attached dwelling there is no guarantee once removed that it will remain there and intact.

The exact date of the Bahr's chocolate shop/milk bar sign is not known, however Charles and Esther Bahr owned the building from the 1920s and was still owned by their confectioner daughter Winifred at the time of her death in 1976. Stylistically, the sign is from the c.1950s with its curved neon writing and pictures of an icecream and sundae.



Fig. 6. Sign from the Bahr's shop (estimated to be c.1950). Council image.

The following condition was included in the permit issued for PLN-16-00334 and also for PLN-17-165. This position has been held firmly based on the heritage values of the sign. The most recent condition was not appealed and remains current.

HER s2: The Bahr's shop sign on the front façade is to be retained in situ, conserved and repaired as necessary during works and subsequent uses.

Reason for condition: To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage significance.

The proposed works and signage must be assessed against E.13.7.1 P1 and E.13.8.1 Demolition, E.13.7.2 P1, E.13.7.2 P2, E.13.8.2 P1, new work, and E.17.7.2 standards for signs in Heritage Places subject to the Heritage Code or within Heritage Precincts.

The removal of the sign remains problematic and it is the firm view of Council's heritage officer that the removal of the sign for relocation internally is problematic. The representations raise concerns about the loss of the sign and raise the fact that the sign was required to be retained as part of the previous conversion of the shop to a cafe. As an aside, the above condition has not been complied with as no conservation or repair work has been undertaken as part of previous planning permits. When assessed against E.17.7.2, the proposed pizza sign will obscure and be of a size and design that will impact on the heritage values of the place and does not satisfy all of the sub clauses of E.17.7.2 P1 (a) to (i), particularly (a), (c) and (e). It is recommended that the same condition be included in any permit issued.

Alternative signage solutions are recommended.

The proposed demolition is for the removal of the sign and works associated with the installation of the exhaust flue.

Demolition is defined in the Scheme and "means the intentional damaging, destruction or removal of any building or works in whole or in part."

The historic Bahr's sign is an external sign and is integral to the building and can be classified as a significant sign with external detailing, finishes and materials that demonstrate the Battery Point character as an historically self contained suburb. Therefore, the removal of the sign results in the loss of heritage values of the place and precinct and does not satisfy E.13.7.1 P1. A permit of condition retaining the sign with alternative sign solutions would result in an acceptable outcome.

The demolition associated with a new exhaust system is acceptable and satisfies E.13.7.1 P1 and E.13.8.1 P1.

The new works associated with the exhaust system and the kitchen fitout is also acceptable for the place and precinct and satisfies E.13.7.2 P1 and P2 and E.13.8.2 P1.

With a condition of permit the proposal satisfies the relevant provisions of

the Historic Heritage Code of the Scheme.

6.9.6 The Tasmanian Heritage Council has approved the proposal subject to conditions.

6.9.7 Subject to conditions, the proposal complies with the performance criterion.

6.10 Signs Code - Part E 17.7.2 P1

6.10.1 The proposal is for the removal of the Bahr's sign, and its replacement, within the existing frame, with a new horizontal projecting wall sign reading "Lord of Pizzas and Cafe". The new sign is double-sided and internally illuminated. The removal of the Bahr's sign has been recommended for refusal by the Council's Cultural Heritage Officer; however in the event that its removal is approved by the Council, the new sign must be assessed against the provisions of the planning scheme.

6.10.2 The new sign is not considered to meet exemption E.17.4.3 as it is more than "changes to the graphics of a legally existing sign including text, graphic design and colour". Whilst the new sign box will fit within the existing frame, it is an internally illuminated light box, whereas the previous sign was not internally illuminated, but had neon strips. This is is considered to be beyond the scope of the exemption.



Fig. 7. The existing and proposed signs.

6.10.3 The new sign is located within the existing frame, so its dimensions are not changing. It is an existing approved sign type (horizontal projecting wall sign) and it will not contain flashing or moving parts. It therefore meets the relevant acceptable solutions under E.17.6.1 A1 and E.17.7.1 A1.

6.10.4 The new sign will be located on a heritage listed building and within a heritage precinct, so clause E.17.7.2 A1 is relevant to the assessment:

A sign on a Heritage Place listed in the Historic Heritage Code or within

a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:

(a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;
(b) be placed so as to allow the architectural details of the building to remain prominent;
(c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;
(d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;
(e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;
(f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;
(g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;
(h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;
(i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.

6.10.5 The Council's Cultural Heritage Officer has advised as follows:

The removal of the sign remains problematic and it is the firm view of Council's heritage officer that the removal of the sign for relocation internally is problematic. The representations raise concerns about the loss of the sign and raise the fact that the sign was required to be retained as part of the previous conversion of the shop to a cafe.

When assessed against E.17.7.2, the proposed pizza sign will obscure and be of a size and design that will impact on the heritage values of the place and does not satisfy all of the sub clauses of E.17.7.2 P1 (a) to (i), particularly (a), (c) and (e).

Alternative signage solutions are recommended.

6.10.6 The proposal does not comply with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Intensification of Previously Approved Use (Food Services), Partial Demolition, Alterations and Signage.

7.2 The application was advertised and received nine (9) representations. The representations raised concerns including parking, traffic, hours of operation, noise, smells, impact on residential amenity and loss of heritage values.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well, subject to conditions to reduce the potential for impact on residential properties in the area, and to protect the heritage values of the Bahr's sign. A number of the representations have raised concerns relating to parking and traffic movements in the area. The parking discretion associated with the 'food services' use was assessed under PLN-17-165 and deemed to meet the relevant provisions of the planning scheme. The increase in the trading hours does not trigger a discretion under the Parking and Access Code (that is, the scheme does not require additional onsite parking because of the new hours), and so parking and traffic has not been reassessed. The on-site parking requirement for 'food services' is based on the floor area or the number of seats. The floor area has not changed, and the number of seats has been reduced from 30 to 12, so there is no increase in the on-site car parking requirement under clause E.6.6.1 A1. The impact that the trading hours may have on residential amenity (including from noise associated with customers parking in the street) has been assessed under the Use Standards in the Inner Residential Zone.

7.4 The proposal has also been assessed by other Council's Cultural Heritage Officer. The officer has raised no objection to the proposal, except in relation to removal of the Bahr's sign and the new replacement sign, and so has recommended approval subject to conditions relating to the signage.

7.5 The Tasmanian Heritage Council has recommended approval subject to conditions, including the proposed sign changes.

7.6 The proposal is recommended for approval subject to conditions.

8. Conclusion

8.1 The proposed Intensification of Previously Approved Use (Food Services), Partial Demolition, Alterations and Signage at 95 Hampden Road BATTERY POINT satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Intensification of Previously Approved Use (Food Services), Partial Demolition, Alterations and Signage at 95 Hampden Road BATTERY POINT for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-19-794 - 95 HAMPDEN ROAD BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2019/01660-HCC dated 18 November 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6088 dated 20 December 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 14

The noise generated by the use, including from music played inside, must not cause environmental harm when measured at the boundary of the subject site. This planning permit does not approve the playing of any music externally from the building.

Reason for the condition

To ensure noise emissions do not cause environmental harm and do not have an unreasonable impact on residential amenity.

PLN 6

The use must not be open to the public outside of the following hours:

- **Sunday to Thursday 7.00am to 9.00pm**
- **Friday and Saturday 7.00am to 10.00pm**

Reason for condition

To ensure that non-residential use does not unreasonably impact on residential amenity

PLN 7

There is no outdoor dining approved under this planning permit.

Reason for condition

To reduce the likelihood of any unreasonable impact upon the amenity of the adjacent residential property through noise emissions, and to ensure compliance with the non-residential use standards in the *Hobart Interim Planning Scheme 2015.*

PLN s1

The food services use must not have more than 12 seats for customers.

Reason for condition

To clarify the scope of the permit

PLN s2

The removal of hard waste (e.g. glasses and cans) to the garbage bins located

outside the building is prohibited before 7.00am and after 8.00pm Monday to Friday and before 9.00am and after 8.00pm on weekends and public holidays.

Reason for condition

To avoid unreasonable impact on surrounding residential amenity through noise emissions that are unreasonable in their timing, duration or extent.

HER s2

The Bahr's shop sign on the front façade is to be retained in situ, conserved and repaired as necessary during works and subsequent uses.

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage significance.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's website for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click here for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click here for more information.

SPECIAL CONNECTION PERMIT

You may need a Special Connection Permit (Trade Waste) in accordance with the *Plumbing Regulations 2014* and the Tasmanian Plumbing Code. Click here for more information.

PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click here for more information.

FOOD BUSINESS REGISTRATION

Food business registration in accordance with the *Food Act 2003*. Click here for more information.

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click here for more information.

NOISE REGULATIONS

Click here for information with respect to noise nuisances in residential areas.



(Liz Wilson)
Development Appraisal Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Cameron Sherriff)
Acting Manager Development Appraisal

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 7 January 2020

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report (Cultural Heritage Officer)

Tasmanian Heritage Council

Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7000
Tel: 1300 850 332
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

PLANNING REF: PLN-19-794
THC WORKS REF: 6088
REGISTERED PLACE NO: 1789
APPLICANT: Stuart Bowling
DATE: 20 December 2019

NOTICE OF HERITAGE DECISION

(*Historic Cultural Heritage Act 1995*)

The Place: 95 Hampden road, Battery Point.
Proposed Works: Intensification of previously approved use (food services), alterations and signage

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application PLN-19-794, advertised on 02 December 2019, subject to the following conditions:

1. **The design for the signage plate frame must allow for the signage plate to be securely seated within the frame, without alteration to the signage plate (i.e., penetrations for fixings).**

Reason for condition
To ensure that the signage plate is conserved.

2. **The replacement sign plate must not exceed the dimensions of the existing sign plate.**

Reason for condition
To ensure that the replacement sign does not result in an increased visual impact from a sign in that location.

3. **Brickwork that is removed to facilitate installation of the proposed ductwork must be dismantled with minimal damage to the bricks. These bricks must be stored on site for their future reinstatement, and must not be used without the approval of the Tasmanian Heritage Council.**

Reason for condition
To ensure that significant fabric of the place is not lost.

4. **Fixings for the proposed ducting must non-corrosive, and be affixed to the wall using mortar joints, and not affixed to bricks.**

Reason for condition
To ensure that significant fabric is not lost.

Please ensure the details of this notice, including conditions, are included in any permit issued, and forward a copy of the permit or decision of refusal to the Heritage Council for our records.

Should you require clarification of any matters contained in this notice, please contact Peter Coney on 1300 850 332.



Ian Boersma
Works Manager – Heritage Tasmania
Under delegation of the Tasmanian Heritage Council

Submission to Planning Authority Notice

Council Planning Permit No.	PLN-19-794	Council notice date	12/11/2019
TasWater details			
TasWater Reference No.	TWDA 2019/01660-HCC	Date of response	18/11/2019
TasWater Contact	Sam Bryant	Phone No.	(03) 6237 8642
Response issued to			
Council name	HOBART CITY COUNCIL		
Contact details	coh@hobartcity.com.au		
Development details			
Address	95 HAMPDEN RD, BATTERY POINT	Property ID (PID)	3494771
Description of development	Pizza restaurant		

Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Date of Issue
Stuart Bowling Building Design	Existing / Proposed Floor Plan 1:50	A	08/11/2019

Conditions

Pursuant to the *Water and Sewerage Industry Act* 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

TRADE WASTE

1. Prior to the commencement of operation the developer/property owner must obtain Consent to discharge Trade Waste from TasWater.
2. The developer must install appropriately sized and suitable pre-treatment devices prior to gaining Consent to discharge.
3. The Developer/property owner must comply with all TasWater conditions prescribed in the Trade Waste Consent.

DEVELOPMENT ASSESSMENT FEES

1. The applicant or landowner as the case may be, must pay a development assessment fee of $211.63 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.

The payment is required by the due date as noted on the statement when issued by TasWater.

Advice

General

For information on TasWater development standards, please visit

https://www.taswater.com.au/Development/Technical-Standards

For application forms please visit http://www.taswater.com.au/Development/Forms

Trade Waste

Prior to any Building and/or Plumbing work being undertaken, the applicant will need to make an

application to TasWater for a Certificate for Certifiable Work (Building and/or Plumbing). The Certificate for Certifiable Work (Building and/or Plumbing) must accompany all documentation submitted to Council.

Documentation must include a floor and site plan with:

Location of all pre-treatment devices i.e. Oil Water Separator;

Schematic drawings and specification (including the size and type) of any proposed pre-treatment device and drainage design; and

Location of an accessible sampling point in accordance with the TasWater Trade Waste Flow Meter and Sampling Specifications for sampling discharge.

At the time of submitting the Certificate for Certifiable Work (Building and/or Plumbing) a Trade Waste Application form is also required.

If the nature of the business changes or the business is sold, TasWater is required to be informed in order to review the pre-treatment assessment.

The application forms are available at http://www.taswater.com.au/Customers/Liquid-Trade-Waste/Commercial.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

Authorised by



Jason Taylor
Development Assessment Manager

TasWater Contact Details

Email	development@taswater.com.au	Web	www.taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001		

RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Tasmanian Government

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
172852	1
EDITION	DATE OF ISSUE
2	22-May-2017

SEARCH DATE : 08-Nov-2019
SEARCH TIME : 02.39 PM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Sealed Plan 172852
Derivation : Part of 8A-1R-9P Gtd. to John Montagu
Prior CT 113294/1

SCHEDULE 1

M516206 & E84877 TRANSFER to VICKI LEE SHARP and PETER MICHAEL SHARP Registered 22-May-2017 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP172852 FENCING PROVISION in Schedule of Easements
E90735 MORTGAGE to Australia and New Zealand Banking Group Limited Registered 22-May-2017 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

OWNER: PETER MICHAEL SHARP
VICKI LEE SHARP
GREGORY JOHN HURD

FOLIO REFERENCE: C.T.113294/1

GRANTEE: PART OF ~~8A~~ 8 - 1R - 9P
GRANTED TO JOHN MONTAGU

PLAN OF SURVEY

BY SURVEYOR: N. D. LEARY of LEARY AND COX SURVEYORS 40 MOLLE STREET HOBART 7000 PH 6220 0299 FX 6220 0290 MOB 0418 129 303

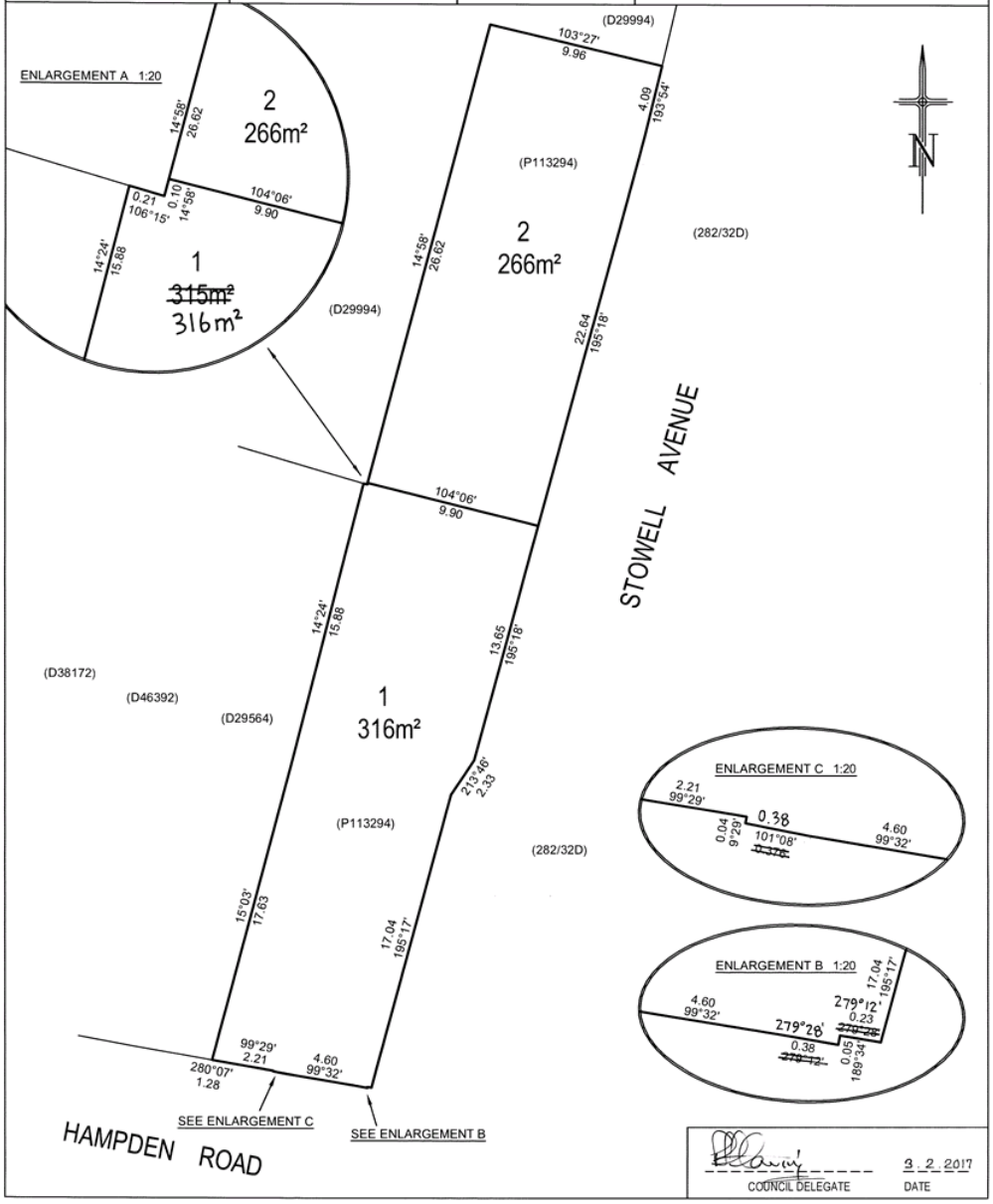
LOCATION: CITY OF HOBART (SECTION W3)

SCALE 1:200 | LENGTHS IN METRES | Surveyors Ref: 8869

Registered Number: SP172852

APPROVED ~~EFFECTIVE~~ FROM 16 FEB 2017
Recorder of Titles

MAPSHEET MUNICIPAL CODE No. ~~11~~ 114 | LAST UPI No | LAST PLAN No. P113294 | ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SCHEDULE OF EASEMENTS NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	Registered Number SP 172852

PAGE 1 OF 1 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-
(1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
(2) any easements or profits a prendre described hereunder.
Each lot on the plan is subject to:-
(1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
(2) any easements or profits a prendre described hereunder.
The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Fencing provision
In respect of each lot shown on the plan Vicki Lee Sharp, Peter Michael Sharp and Gregory John Hurd will not be required to fence

Signed by **Gregory John Hurd** in the presence of:)

Witness signature .....

Full name (print) Peter McCrum

Witness address 2 Esplanade Seven mile Beach.

Signed by **Vicki Lee Sharp and Peter Michael Sharp** in the presence of:)

Witness signature .....

Full name (print) Peter McCrum.

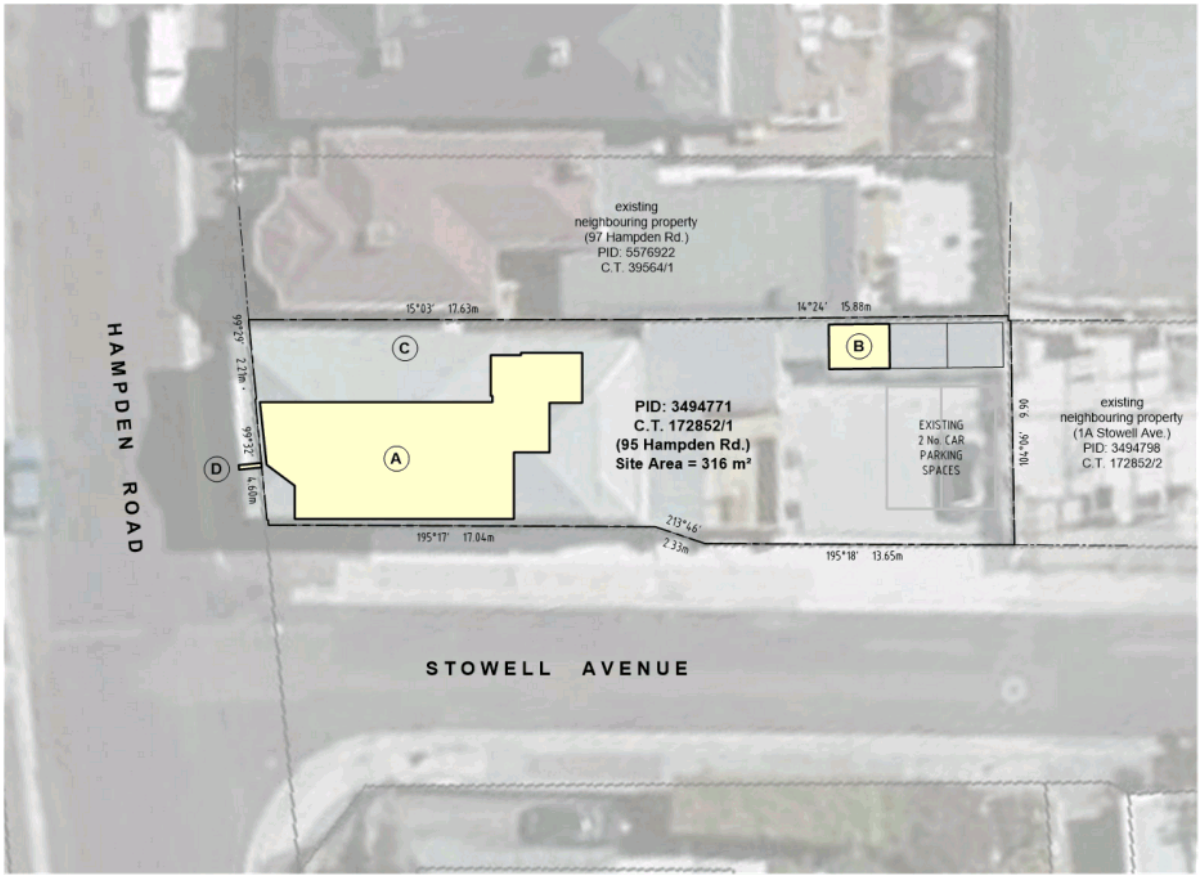
Witness address 2 Esplanade Seven mile Beach.

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: Vicki Lee Sharp, Peter Michael Sharp and Gregory John Hurd FOLIO REF: CT 113294/1 SOLICITOR & REFERENCE: Dobson Mitchell Allport James Ramsay	PLAN SEALED BY: Hobart City Council DATE: 3 FEBRUARY 2017 REF NO. 5576930 Council Delegate
NOTE: The Council Delegate must sign the Certificate for the purposes of identification.	

SITE NOTES	
Property Address:	**95 Hampden Road Battery Point, 7004**
Property ID:	**3494771**
Title Reference:	**172852/1**
Site Area:	**316 sqm.**
THR ID Number:	**1789**
Municipality:	**Hobart City Council**
Zone:	**11.0 Inner Residential**

SCHEDULE OF PROPOSED WORKS	
MARK	DESCRIPTION
(A)	EXISTING TENANCY 1 (PREVIOUSLY APPROVED AS CAFE). PROPOSED CHANGE TO PIZZA RESTAURANT. REFER TO PHOTOS ON DWGS. DA03 & DA04.
(B)	EXISTING TENANCY 1 STORAGE ROOM. PROPOSED TO BE FOOD STORAGE ROOM.
(C)	EXISTING REFUSE STORAGE (UNDER COVER). REFER TO PHOTO ON DWG. DA04.
(D)	EXISTING SIGNAGE TO BE REMOVED. PROPOSED SIGN ON EXISTING SIGN MOUNT (ie. SAME SIZE). REFER TO PHOTOS ON DWGS. DA05.
TYPICALLY, EXTENT OF PROPOSED AREAS OF PROPOSED WORKS SHOWN YELLOW SHADED.	



SHEET No. 01 OF 05

REV.	DESCRIPTION	DATE
B.	ADDITIONAL INFO. FOR THC RFI LETTER.	20.11.2019
A.	DEVELOPMENT APPLICATION SET.	08.11.2019

Project: PROPOSED PIZZA RESTAURANT & SIGNAGE at No. 95 Hampden Road BATTERY POINT, 7004 for Tahir Aftab

Drawing: SITE PLAN

Scale: 1:200 @ A3

DWG No: 0084 DA01

Date: 20.11.19

Drawn: S.Bowling

Stuart Bowling | Building Design
B. Environmental Design
Phone: 0418 380 391
Email: stuart.bowling@outlook.com
Licence: CC 7560
ABN: 34 531 056 735

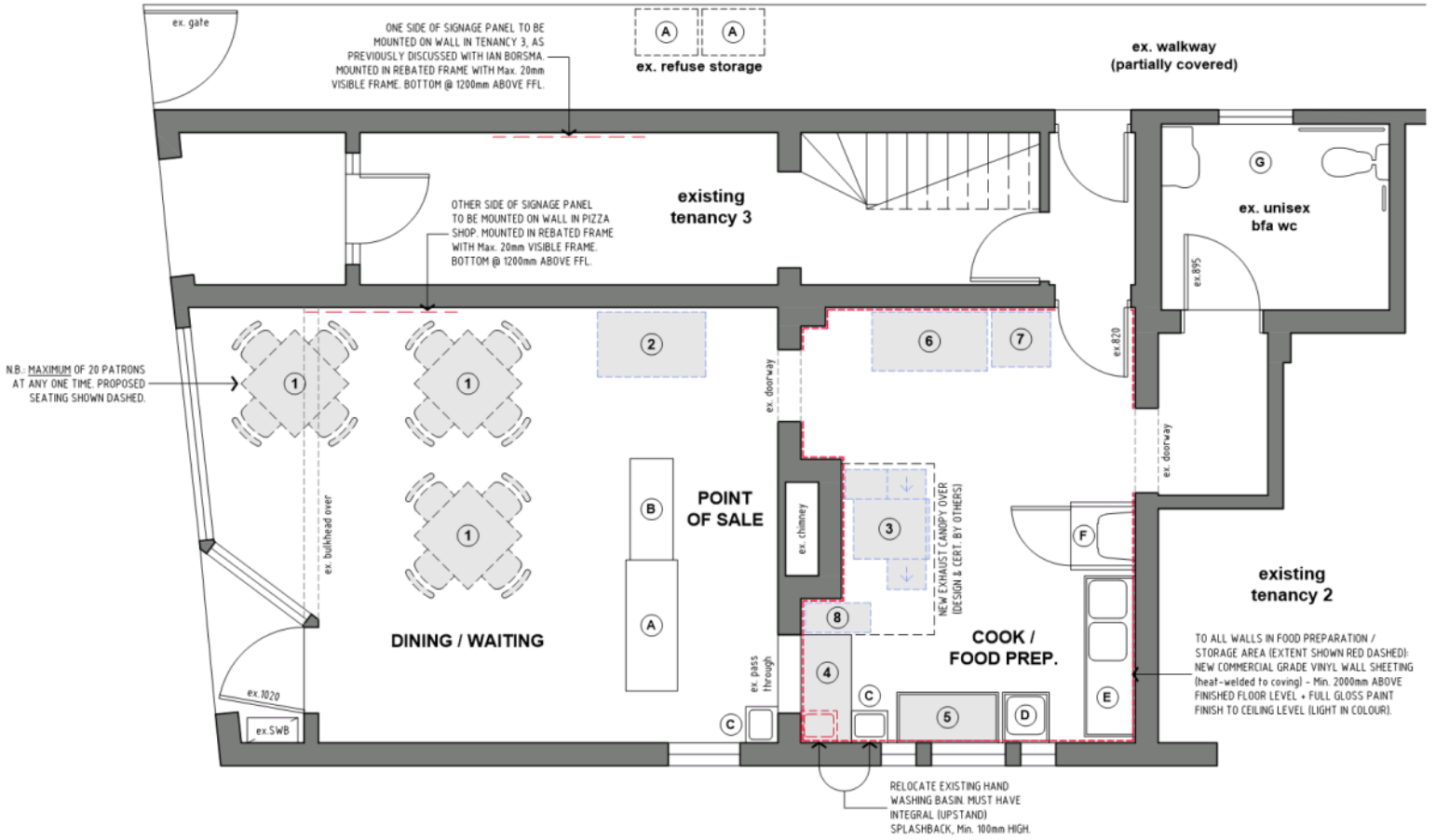
NORTH

0 2 4 10

METRES
1 centimetre on this drawing represents
2 metres on the ground (i.e. 1:200).

stuart bowling building design

DA01. SITE PLAN 1:200



EXISTING EQUIPMENT			
MARK	DESCRIPTION	MARK	DESCRIPTION
A	EXISTING COFFEE MAKING AREA.	E	EXISTING DOUBLE BOWL WASH SINK. N.B.: HAS DRY BASKET ARRESTOR IN PLACE.
B	EXISTING POINT OF SALE (P.O.S.).	F	EXISTING CLEANERS SINK IN CUPBOARD.
C	EXISTING Min. 11L HAND WASHING BASIN (RELOCATE WHERE INDICATED).	G	EXISTING AS 1428.1 COMPLIANT UNISEX TOILET.
D	EXISTING SINGLE BOWL FOOD PREP SINK. N.B.: HAS DRY BASKET ARRESTOR IN PLACE.	N.B.:	ALL EXISTING EQUIPMENT / FIXTURES & FITTINGS PREVIOUSLY APPROVED BY COUNCIL.

PROPOSED (ADDITIONAL) EQUIPMENT			
MARK	DESCRIPTION	MARK	DESCRIPTION
1	PROPOSED DINING TABLES. N.B.: MAXIMUM OF 20 PATRONS AT ANY ONE TIME.	5	NEW FOOD PREP BENCH (NOM. 600 D x 1200 x 900 H). STAINLESS STEEL TOP ON S.S.T. SUPPORT FRAME.
2	GLASS DOOR COOLERS AS SELECTED. (drinks / deserts fridges).	6	PIZZA PREP FRIDGE. EXACT MODEL TO BE SELECTED.
3	PROPOSED LPG CONVEYOR PIZZA OVEN WITH EXHAUST CANOPY OVER. EXACT MODEL TO BE SELECTED.	7	UPRIGHT REFRIGERATOR / FREEZER AS SELECTED.
4	NEW PIZZA PREP / CUTTING / BOXING BENCH. STAINLESS STEEL TOP ON S.S.T. SUPPORT FRAME.	8	FREESTANDING LPG FRYER. EXACT MODEL TO BE SELECTED.
N.B.: ALL PROPOSED EQUIPMENT / FIXTURES & FITTINGS TO COMPLY WITH AS 4674.			

DA02. EXISTING / PROPOSED FLOOR PLAN 1:50

NORTH

0 0.5 1 2.0
METRES
1 centimetre on this drawing represents 0.5 metres on the ground (i.e. 1:50).

SHEET No. 02 OF 05

REV.	DESCRIPTION	DATE
A.	DEVELOPMENT APPLICATION SET.	08.11.2019
B.	ADDITIONAL INFO. FOR THC RFI LETTER.	20.11.2019

Project: PROPOSED PIZZA RESTAURANT & SIGNAGE at No. 95 Hampden Road BATTERY POINT, 7004 for Tahir Aftab

Drawing: EXISTING / PROPOSED FLOOR PLAN

DWG No.: 0084 DA02

Date: 20.11.19

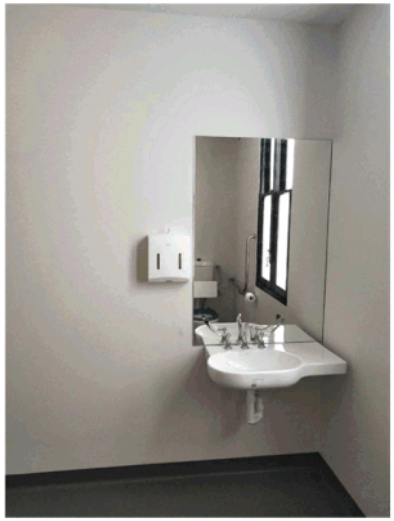
Scale: 1:50 @ A3

Drawn: S.Bowling

Stuart Bowling | Building Design
B. Environmental Design
Phone: 0418 380 391
Email: stuart.bowling@outlook.com
Licence: CC 7560
ABN: 34 531 056 735

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SHEET No. 03 OF 05



EX. UNISEX BFA TOILET
PREVIOUSLY COUNCIL APPROVED
AS AS 1428.1 COMPLIANT



EX. UNISEX BFA TOILET
PREVIOUSLY COUNCIL APPROVED
AS AS 1428.1 COMPLIANT



EX. CLEANER SINK
PREVIOUSLY COUNCIL APPROVED - CONTAINED
IN CUPBOARD & ON RAISED FLOOR PLINTH.



EX. HAND WASHING BASIN
PREVIOUSLY COUNCIL APPROVED - THIS BASIN
TO BE RELOCATED AS INDICATED ON FLOOR PLAN.



EX. WASH & FOOD PREP SINKS
PREVIOUSLY COUNCIL APPROVED AS AS 4674 COMPLIANT



EX. FLOOR FINISH & COVING
PREVIOUSLY COUNCIL APPROVED AS AS 4674 COMPLIANT.
EXISTING COVED SHEET VINYL SKIRTING = 100mm HIGH.
EXISTING FLOOR FINISH SLIP RATING PREVIOSLY APPROVED.

DA03. EXISTING FITOUT PHOTOS 01

REV.	DESCRIPTION	DATE
B.	ADDITIONAL INFO. FOR THC RFI LETTER.	20.11.2019
A.	DEVELOPMENT APPLICATION SET.	08.11.2019

Project:
PROPOSED PIZZA RESTAURANT & SIGNAGE
at No. 95 Hampden Road
BATTERY POINT, 7004
for Tahir Aftab

Drawing:
EXISTING FITOUT PHOTOS 01

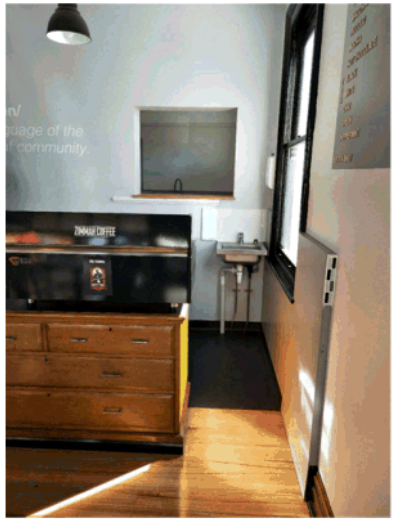
Scale:	DWG No:
- @ A3	0084 DA03
Drawn: S.Bowling	Date: 20.11.19

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B. Environmental Design
Phone: 0418 380 391
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ABN: 34 531 056 735

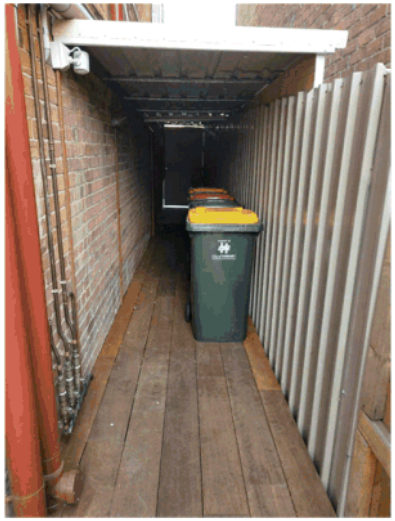
stuart bowling
building design



EX. P.O.S. & COFFEE COUNTER
PREVIOUSLY COUNCIL APPROVED.



EX. COFFE COUNTER & HAND WASHING
PREVIOUSLY COUNCIL APPROVED.



EX. REFUSE STORAGE AREA
REFUSE STORAGE AREA UNDER COVER.
WHEELIE BINS, NOM. 240L.



EX. DINING AREA
LOOKING OUT TO HAMPDEN ROAD.

DA04. EXISTING FITOUT PHOTOS 02

SHEET No. 04 OF 05

B.	ADDITIONAL INFO. FOR THC RFI LETTER.	20.11.2019
A.	DEVELOPMENT APPLICATION SET.	08.11.2019
REV.	DESCRIPTION	DATE

Project:
PROPOSED PIZZA RESTAURANT & SIGNAGE
at No. 95 Hampden Road
BATTERY POINT, 7004
for Tahir Aftab

Drawing:
EXISTING FITOUT PHOTOS 02

Scale: - @ A3
DWG No: 0084 DA04
Drawn: S.Bowling
Date: 20.11.19

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Licence: CC 7560
ABN: 34 531 056 735

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building design

SHEET No. 05 OF 05



SUBJECT SITE - 95 HAMPDEN ROAD, BATTERY POINT
AS VIEWED FROM HAMPDEN ROAD, BATTERY POINT.



PROPOSED SIGNAGE (ON EXISTING MOUNT)



EX. SIGNAGE ENLARGEMENT
EXISTING SIGNAGE PANEL (BOTH SIDES) TO BE REMOVED & REPLACED.
EXISTING SIGNAGE PANELS TO BE MOUNTED:
1. ON WALL IN TENANCY 3 (AS PREVIOUSLY DISCUSSED WITH IAN BORSMA, WORKS MANAGER, HERITAGE TASMANIA.
2. INSIDE PROPOSED PIZZA SHOP, WESTERN WALL.



PROPOSED SIGNAGE ENLARGEMENT
PROPOSED SIGN TO BE:
- DOUBLE SIDED
- INTERNALLY ILLUMINATED
- FLEX FACE
- FIXED TO EXISTING SIGNAGE MOUNT

REV.	DESCRIPTION	DATE
B.	ADDITIONAL INFO. FOR THC RFI LETTER.	20.11.2019
A.	DEVELOPMENT APPLICATION SET.	08.11.2019

Project: PROPOSED PIZZA RESTAURANT & SIGNAGE at No. 95 Hampden Road BATTERY POINT, 7004 for Tahir Aftab

Drawing: SIGNAGE

Scale: - @ A3

DWG No.: 0084 DA05

Drawn: S.Bowling

Date: 20.11.19

Stuart Bowling | Building Design
B. Environmental Design
Phone: 0418 380 391
Email: stuart.bowling@outlook.com
Licence: CC 7560
ABN: 34 531 056 735

stuart bowling building design

DA05. SIGNAGE

Lord of Pizzas & cafe

Starters

1.Garlic & herb Pizza (Roasted garlic, oregano, fresh parsley, sea salt)

2. Cheesy garlic bread (garlic, cheese, oregano, fresh parsley)

3. Nachos (corn chips, mild tomato salsa, capsicum salsa, guacamole, sour cream, cheesy sauce, cheddar, jalapenos)

4. Cheesy mate pizza (mozzarella, brie, goat cheese, fresh parsley)

5. Frizzled olives (green & black olives, garlic, fresh chilli)

6. waffle cheesy fries

Our Classic 12"/15"/22"

1. Margherita pizza (Tom, Mozzarella, fresh sliced tomato, fresh basil)
2. Americano (Tom, Mozzarella, salami, oregano)
3. Meat junkie (Tom, mozzarella, Cajun chicken, salami, beef sausage, capsicum, oregano)
4. Many shades of chicken (roasted chicken, mozzarella, ranch, parsley, mushrooms, pineapple)
5. Mexicutioner (Tom, mozzarella, fresh chilli, spiced meat, capsicum salsa, sour cream)
6. Lamb bomb (Tom, black olives, artichoke, cherry tomatoes, feta, mozzarella, tazaki)
7. Big bang (Tom, mozzarella, salami, artichoke, mushrooms, oregano, beef sausage)
8. Chicken tandoori (Tom, mozzarella, capsicum, onion, mushrooms, pineapple, tandoori chicken, mint yogurt)
9. Bigger than Arizona (Cajun chicken, bbq sauce, mozzarella, roquette, sour cream)
10. BBq chicken (BBq sauce, spiced chicken, capsicum, jalapenos, red onion, black olives, roquette, sour cream)
11. Chicken (tom, chicken, capsicum, red onion, black olives, peri peri sauce)
12. Hotter than hell (Tom, mozzarella, hot salami, jalapenos, fresh chilli, brie)
13. Daydream (Tom, mozzarella, onion, capsicum, olives, salami)
14. Johnny english (Tom, mozzarella, anchovies, prawns, spiced beef, fresh chilli, fresh parsley)

15. Mr beefy (bbq sauce, onion, jalapenos, mozzarella, beef sauage)
16. Fish dish (tuna, cherry tomatoes, ranch, red onion, black olives, mozzarella, lemon wedge)
17. Meat mr pizza (Tom, homemade meatballs, oregano, parmesan, fresh parsley)
18. Super prawn (pesto, prawn, baby spinach, cherry tomatoes, roquette)
19. Prawns special (mozzarella, prawns, salami, jalapenos, ricotta)
20.
21. Sneaky lamb (spiced lamb, hummus, mozzarella, caraway seeds, fresh mint, tazaki)

Veggie Pizzas

22. O.M.G (Indian spiced chat potatoes, mozzarella, green peas, chilli capsicum, paneer, raita)
23. Veggie mate (pesto, mozzarella, roasted pumpkin, mushrooms, goat cheese, slaw, roquette)
24. Veggie volcano (mozzarella, spinach, mushrooms, artichoke, onion, black olives, roasted pumpkin, green peas, lemon wedge)
25. Green supreme (mozzarella, green olives, cherry tomatoes, jalapenos, broccoli, peppers, slaw&roquette)
26. Green pizza (garlic, mozzarella, spinach, ricotta, mushrooms)
27. Vegan pizza (hummus, spinach, cherry tomato, red onion, green olives, roasted pumpkin, lemon wedge)
28. Happy vegan (tom, spinach, vegan mozzarella, olives, capsicum, mushrooms)

Salads

1. Pumpkin salad (cooked quinoa, baby spinach, roasted pumpkin, goat cheese, pumpkin seeds, cherry tomatoes, salad dressing,)
2. Greener than green (quinoa, avocado, green peas, mint, beans, broccoli, alfalfa, baby spinach, green olives, salad dressing)
3. Tuna salad (roquette, red onion, Tuna, black olives, feta, cherry tomatoes, green beans, salad dressing)

Dessert

1. Nutella calzone
2. Pat n stick Ice creams or ben & jerry's
3. Homemade Pies (apple, cherry, bluberry)

Crust dipping sauce

1. Ranch sauce
2. Homemade cheesy sauce
3. Hot sauce
4. Chilli oil
5. Napoli sauce
6. Chipotle sauce

7. Bbq sauce

Drinks
Coke
Sprite
Fanta
Passiona
Solo
Lemonade
Kombucha
Cool ridge water

Stuart Bowling | Building Design
B. Env. Des.
Mail: PO Box 321 Sorell, 7172
Phone: 0418 380 391
Email: stuart.bowling@outlook.com
Licence: CC 7560
ABN: 34 531 056 735

27 November 2019

City Planning
GPO Box 503
Hobart Tasmania 7000

RE. PLN-19-794 – 95 HAMPDEN ROAD, BATTERY POINT

To whom it may concern,

Please note the following amended hours of operation for the proposed 'Lord of Pizza'.
This supersedes the times noted on the application form:

- **Monday-Thursday: 7:00am - 10:00pm**
- **Friday – Sunday: 7:00am – 11:00pm**

Kind Regards

Stuart Bowling
Director, Stuart Bowling Building Design

Stuart Bowling | Building Design
B. Env. Des.
Mail: PO Box 321 Sorell, 7172
Phone: 0418 380 391
Email: stuart.bowling@outlook.com
Licence: CC 7560
ABN: 34 531 056 735

14 November 2019

City Planning
GPO Box 503
Hobart Tasmania 7000

RE. PLN-19-794 – 95 HAMPDEN ROAD, BATTERY POINT
(REQUEST FOR FURTHER INFORMATION LETTER, DATED 12 NOVEMBER 2019)

To whom it may concern,

Please find below responses to Request for Further Information letter, dated 12 November 2019.

PLN1 The extension of opening hours beyond the previous permit is in line with other restaurants in the Battery Point area (for example, Da Angelo Ristorante).
Seating for the proposed restaurant is less than 20 persons and it is expected that the majority of trading will either be via take away or home delivery. It is not expected that customer activity will cause any additional detriment to the current operation of the street.

PLN2 The proposal is for a small restaurant space for maximum 20 persons at any one time; there is no allowance for outdoor dining and any music provided inside the premises will be low volume background music (ie. atmospheric restaurant music).

PLN3 No additional outdoor lighting is proposed beyond what is already provided for on site.
Refer to PLN 5 for details of illuminated signage hours of operation.

PLN4 Pizza delivery vehicle (1 only) will be parked in the Stowell Street side of the property, in one of the provided bays or on street parking.
Garbage disposal will e by council collection of wheelie bins as is standard; additional refuse disposal will by the business owners in their own vehicle. Restaurant supplies will be by owners vehicle only. No commercial deliveries / collection is proposed for the site. Refuse removal and restaurant restock vehicle movements will be during the day (9am – 5pm generally).

PLN5 The proposed hours of operation for the illuminated signage will be:

Monday-Thursday	5pm to 10pm.
Friday – Sunday	5pm to 11pm.

Please don't hesitate to contact me if you have any additional questions or need further clarification.

Kind Regards

Stuart Bowling
Director, Stuart Bowling Building Design

Mechanical duct penetration through external wall; comments by Ian Loney, Mechanical Consultant.

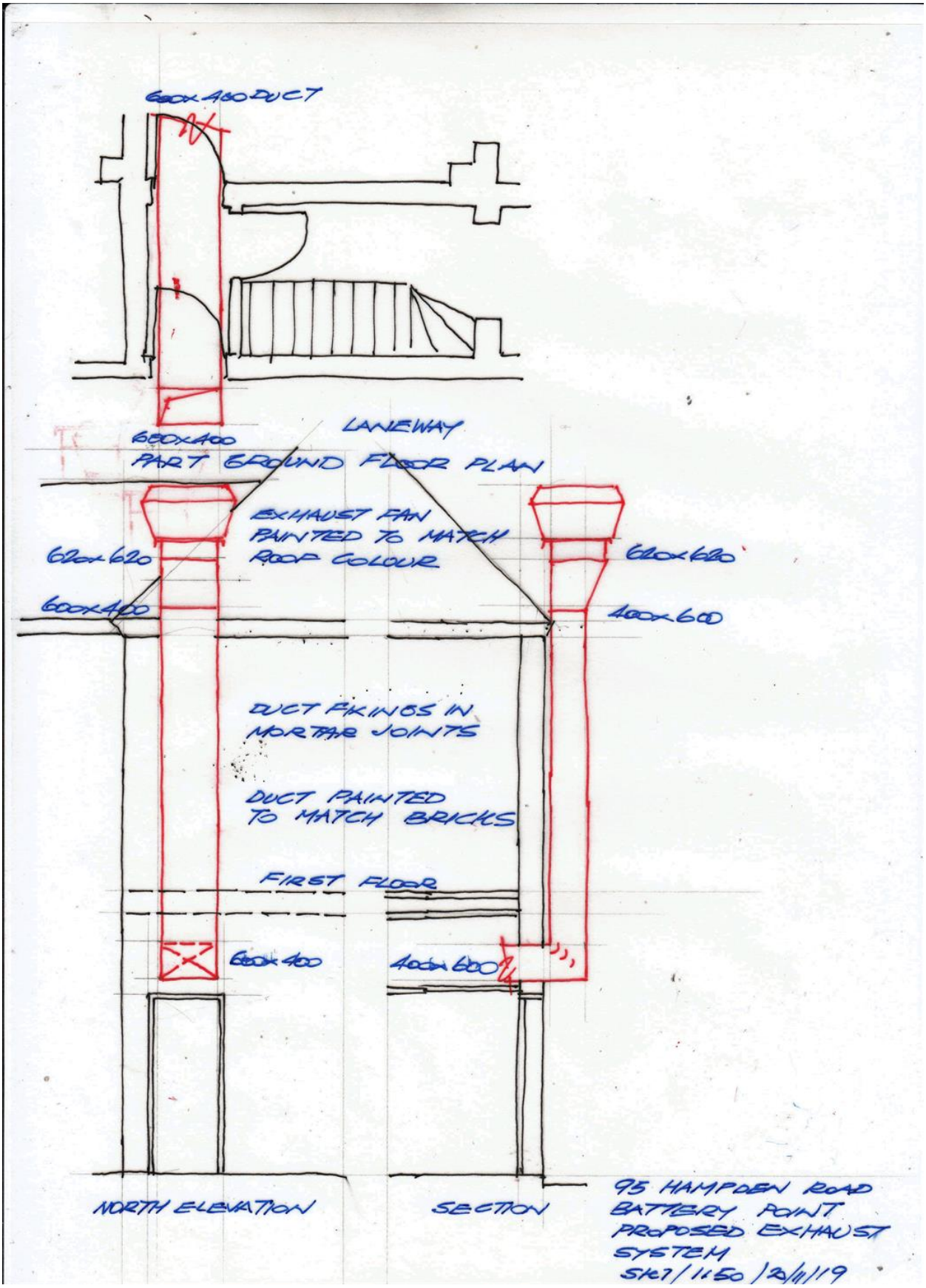


Photo 1: existing services laneway, western wall.

To facilitate a duct penetration through this wall and vertical riser to an exhaust fan the following services would need to be re-positioned:-

- Current sewer vent pipe offset needs to be mirrored to clear the duct wall penetration.
- Horizontal copper cold water pipe needs to be raised.
- Rinnai gas hot water heater to be re-positioned.

The hole for the exhaust duct wall penetration top and bottom will be at brickwork mortar joints, and ductwork supports would be at mortar joints.


600x400 DUCT
LANEWAY
600x400
PART GROUND FLOOR PLAN
EXHAUST FAN
PAINTED TO MATCH
ROOF COLOUR
620x620
620x620
600x400
400x600
DUCT FIXINGS IN
MORTAR JOINTS
DUCT PAINTED
TO MATCH BRICKS
FIRST FLOOR
600x400
400x600
NORTH ELEVATION
SECTION
95 HAMPDEN ROAD
BATTERY POINT
PROPOSED EXHAUST
SYSTEM
SK1/1:50/25/11/19

Planning: #191757

Property

95 HAMPDEN ROAD BATTERY POINT TAS 7004

People

Applicant
*
Stuart Bowling Building Design
Stuart Bowling
PO Box 321
PO Box 321
Sorell Tasmania 7171
0418 380 391
stuart.bowling@outlook.com

Owner
*
Peter Sharp
8 Stowell Avenue
BATTERY POINT TAS 7004
0408138801
psharp@bigpond.net.au

Entered By
STUART BOWLING
0418 380 391
stuart.bowling@outlook.com

Use

Restaurant

Details

Have you obtained pre application advice?
*
•
If YES please provide the pre application advice number eg PAE-17-xx

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. If you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application.
*
• No

Is the application for SIGNAGE ONLY? If yes, please enter $0 in the cost of development, and you must enter the number of signs under Other Details below.

Is outdoor storage proposed? • Yes

* Please ensure the proposal shows the location of where the outdoor storage areas are and what type of goods are stored

Other Details

Does the application include signage? • Yes

* Please be advised that you are required to lodge plans of the sign. The plans should show dimensions, location, colours, wording, method of illumination, sheet it flash.

How many signs, please enter 0 if there are none involved in this application? *

1

Tasmania Heritage Register
Is the property on the Tasmanian Heritage Register? • Yes

Documents

Required Documents

Title (Folio text and Plan and Schedule of Easements) *
95 Hampden Road-TITLE.pdf
Plans (proposed, existing) *
95 Hampden Road-PLANS.pdf
MENU *
95 Hampden Road-MENU.pdf

Application Referral Cultural Heritage - Response

From:	Sarah Waight
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	95 HAMPDEN ROAD, BATTERY POINT
Proposal:	Intensification of Previously Approved Use (Food Services), Partial Demolition, Alterations and Signage
Application No:	PLN-19-794
Assessment Officer:	Liz Wilson,

Referral Officer comments:

This place is heritage listed in table E13.1 of the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015*. It is also located in the Battery Point 1 Heritage Precinct. This proposal follow on from numerous applications for modifications and alterations to the property that prior to a change of ownership, operated for a long period of time as a small local shop and was well known as a local sweet shop.

This application is for signage, works to the interior for new ducting from the kitchen to the exterior. The ducting is to be through the property to the exterior on the side of the building adjacent to 97 Hampden Road such that it is on the side of the building that is for side access. The proposal is to accommodate a new take away pizza shop and to change the existing Bahr's sign with a pizza sign.

Nine (9) representations were received during the advertising period. The following heritage issues were raised:

- Please keep the sign its current size and do not permit it to be illuminated. The current Bahrs chocolate bar sign has a small amount of illumination but it is of a vintage character. A bigger, internally illuminated, new orange pizza sign will look garish rather than vintage.
- It represents the destruction of history and amenity.
- The last business, a coffee shop, was required by Council, to leave the Bahr's Milk Bar sign. The Bahr's Milk Bar sign is of historic significance.
- The development affects the historical context of the property at 95 Hampden Road and every nearby property including Narryna.
- Not in keeping with the historical significance of the Battery Point precinct.
- Heritage Tasmania records the Bahr family as long-term owners of the building from 1920s, maybe earlier, until at least 1949, and the building continued to operate as a chocolate shop and milk bar until very recently. This shop and sign are a longstanding landmark in the area. Everyone knows "the chocolate shop on Hampden Rd" and it is part of the area's/city's cultural heritage not to be tampered with. Whilst it currently needs repair it is completely salvageable at this stage. Even if approval for its removal was granted with the proposal of hanging it in the interior of the shop or attached dwelling there is no guarantee once removed that it will remain there and intact.

The exact date of the Bahr's chocolate shop/milk bar sign is not known, however Charles and Esther Bahr owned the building from the 1920s and was still owned by their confectioner daughter Winifred at the time of her death in 1976. Stylistically, the sign is from the c.1950s with its curved neon writing and pictures of an icecream and sundae.



Image: Sign from the Bahr's shop (estimated to be c.1950). Council image

The following condition was included in the permit issued for PLN-16-00334 and also for PLN-17-165. This position has been held firmly based on the heritage values of the sign. The most recent condition was not appealed and remains current.

HER s2
The Bahr's shop sign on the front façade is to be retained in situ, conserved and repaired as necessary during works and subsequent uses.

Reason for condition
To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage significance.

The proposed works and signage must be assessed against E13.7.1 P1 and E13.8.1 Demolition, E13.7.2 P1, E13.7.2 P2, E13.8.2 P1, new work, and E17.7.2 standards for signs in Heritage Places subject to the Heritage Code or within Heritage Precincts.

The removal of the sign remains problematic and it is the firm view of Council's heritage officer that the removal of the sign for relocation internally is problematic. The representations raise concerns about the loss of the sign and raise the fact that the sign was required to be retained as part of the previous conversion of the shop to a cafe. As an aside, the above condition has not been complied with as no conservation or repair work has been undertaken as part of previous planning permits. When assessed against E17.7.2, the proposed pizza sign will obscure and be of a size and design that will impact on the heritage values of the place and does not satisfy all of the sub clauses of E17.7.2 P1 (a) to (i), particularly (a), (c) and (e). It is recommended that the same condition be included in any permit issued.

Alternative signage solutions are recommended.

The proposed demolition is for the removal of the sign and works associated with the installation of the exhaust flue.

Demolition is defined in the Scheme and "means the intentional damaging, destruction or removal of any building or works in whole or in part."

The historic Bahr's sign is an external sign and is integral to the building and can be classified as a significant sign with external detailing, finishes and materials that demonstrate the Battery Point character as an historically self contained suburb. Therefore, the removal of the sign

results in the loss of heritage values of the place and precinct and does not satisfy E13.7.1 P1. A permit of condition retaining the sign with alternative sign solutions would result in an acceptable outcome.

The demolition associated with a new exhaust system is acceptable and satisfies E13.7.1 P1 and E13.8.1 P1.

The new works associated with the exhaust system and the kitchen fitout is also acceptable for the place and precinct and satisfies E13.7.2 P1 and P2 and E13.8.2 P1.

With a condition of permit the proposal satisfies the relevant provisions of the Historic Heritage Code of the Scheme.

Sarah Waight
Acting Senior Cultural Heritage Officer
20 December 2019

7.2.2 11 CASCADE ROAD, SOUTH HOBART - CHANGE OF USE TO VISITOR ACCOMMODATION PLN-19-733 - FILE REF: F20/4877

Address:	11 Cascade Road, South Hobart
Proposal:	Change of Use to Visitor Accommodation
Expiry Date:	4 February 2020
Extension of Time:	Not applicable
Author:	Michelle Foale

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use for visitor accommodation at 11 Cascade Road, South Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use must be substantially in accordance with the documents and drawings that comprise PLN-19-733 - 11 CASCADE ROAD SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved, to the satisfaction of the Council's Director City Planning. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents in the adjacent dwellings and vicinity. These measures must include, but are not limited to, the following requirements:

1. **To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**

2. **To specify the maximum permitted occupancy of the visitor accommodation as four (4) people.**
3. **To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.**
4. **To provide guests with detailed instructions about accessing the on site parking including the dimensions of the space (height, width, length) and that the guests are required to know beforehand if their vehicle, including items on a roof rack, will fit entirely within the space with the door closed.**
5. **To provide a map showing off site parking options for use only when the guest's vehicle will not fit in the on site parking space.**
6. **To specify no pets on site.**
7. **No fires are to be lit in the fire places or internal wood heaters.**
8. **No smoking on the site.**

The operator must also provide details about waste management and cleaning of the premises.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation.

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's website for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

STRATA AMENDMENT

You are advised to amend the strata plan pursuant to the provisions of the *Strata Titles Act 1998* to reflect the buildings on the site, and to show all floor areas. Click here for more information.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found here.

In all cases, check with your insurance company that you have adequate cover.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

Attachment A:	PLN-19-733 - 11 CASCADE ROAD SOUTH HOBART TAS 7004 - Planning Committee or Delegated Report ⇩
Attachment B:	PLN-19-733 - 11 CASCADE ROAD SOUTH HOBART TAS 7004 - CPC Agenda Documents ⇩

City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Committee:	20 January 2020
Expiry Date:	4 February 2020
Application No:	PLN-19-733
Address:	11 CASCADE ROAD , SOUTH HOBART
Applicant:	Simon van der Hart 11 Cascade road Simon van der Hart 11 Cascade road
Proposal:	Change of Use to Visitor Accommodation
Representations:	Three (3)
Performance criteria:	PD6 strata lot and parking

1. Executive Summary

1.1 Planning approval is sought for change of use for visitor accommodation at 11 Cascade Road, South Hobart.

1.2 More specifically the proposal includes the conversion of a dwelling on a strata lot, to visitor accommodation. The lot has one on site car parking space accessed via the one way lane at the rear (McFarlane Street).

1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

1.3.1 Planning Directive 6, 3.1 P2

1.3.2 Parking and Access Code E6.7.5 Layout of Parking Areas P1

1.4 Three (3) representations objecting to the proposal were received in total, two within the statutory advertising period between 22 November to 6 December 2019, and one on the following day - this one has been accepted by the Manager of Development Appraisal pursuant to s57(5) of the *Land Use Planning and Approvals Act 1993*, which provides the Council with discretion to consider extending the statutory notification period of planning applications.

1.5 The proposal is recommended for approval subject to conditions.

1.6 The final decision is delegated to the City Planning Committee.

2. Site Detail

2.1



Figure 1. 11 Cascade Road is part of a 3 dwelling strata scheme fronting Cascade Road and bounded by Excell Lane and McFarlane Street in the inner residential zone of the HIPS15.

2.2



Figure 2. 9, 11, and 13 Cascade Road; the subject dwelling is in the middle.

2.3



Figure 3. 11 Cascade Road fronts onto Cascade Road, the middle dwelling. GSV accessed 4/11/19, date of image labelled October 2018.

2.4



Figure 4. The on site car parking space is accessed from the one way section of McFarlane Street.

2.5

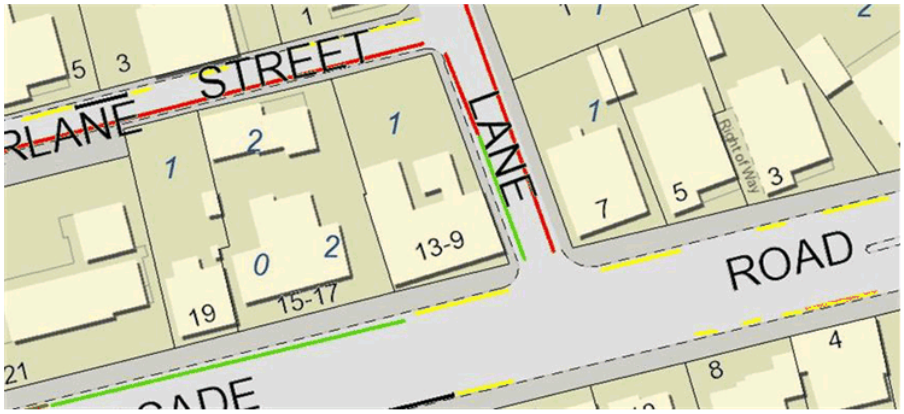


Figure 5. Parking restrictions as per the Council's Geocortex Property and Assets map, Kerb Use layer (yellow - no stopping, green - residential parking zone - 1 hour restricted, red - no parking).

3. Proposal

3.1 Planning approval is sought for change of use for visitor accommodation at 11 Cascade Road, South Hobart, strata lot 2 of Strata Plan 57595.

3.2 More specifically the proposal includes the conversion of a less than 200 sqm floor area dwelling over three (3) levels, on a strata lot of 154 sqm, to visitor accommodation. The lot has one on-site car parking space accessed via the one way lane at the rear (McFarlane Street). The whole site (the 3 strata lots together) is 485 sqm.

The place is heritage listed in the *Hobart Interim Planning Scheme 2015* (however proposal is only for change of use so is not assessed under the Heritage Code), and it is on the State Heritage Register.

4. Background

4.1 The applicant has indicated that they would use the subject site themselves when visiting Tasmania. This does not qualify as permanent place of residence.

4.2 The two strata lot owners either side of the subject site contacted the assessing planner early in the process, after the applicant had notified their intention to lodge the planning application, raising issues with the proposal, and also provided copies of their responses to subject property owner's notification letter. The assessing planner encouraged them both to investigate their options via their Body Corporate arrangements in the meantime while awaiting for the planning process to run its course.

4.3 Floor area is less than 200 sqm but exact area was not determined.
In the Strata plan documents page 2 of 5 shows 'ground floor' 'Part of Flat 2 154 m2' - which is the area of the lot. The plan page does not provide the dimension of the ground floor level of the dwelling.
The other strata plan pages show buildings 'part of' strata 2: first floor 47 + second floor 34. As the 'ground floor' is similar in size to 'first floor', it has been assumed to be 47 sqm also. The floor area is therefore more likely to be about 128 sqm. The covered patio has likely been included as 'floor area' which may have given rise to the different numbers.
The submitted plans show the house area as 157.3 sqm, and the garage as 22.5 sqm (4.6m x 4.9m).
The ground floor strata page shows two outbuildings on strata lot 2 but not the shed / garage at the rear boundary being proposed for visitor parking.

Advice is recommended to have strata plans updated with all buildings and floor areas shown.

5. Concerns raised by representors

5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 22 November to 6 December 2019.

5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

There have been consistent issues with noise and parking since short-term letting commenced in May 2019. Old heritage building with three strata dwellings - close proximity of the three units to each other results in problems with noise. Guests (up to 6 for one booking) often park illegally and unsafely. Regularly parked in the 'No Stopping' area outside the front of the properties (also creating noise directly adjacent to subterranean windows of adjoining dwellings), and have regularly occupied the 'Residents Only' parking area for more than the one hour limit, forcing residents with permits to park some distance away from their properties. Guests regularly park over yellow lines on Macfarlane St, blocking access to resident car parks and creating difficulty for garbage trucks on collection day. The residence is a 1 and 1/2 bedroom place (to get to the second bedroom, you walk through the first), yet in excess of six guests occupy the residence at a time.
Representors (2 of 3) suggest the following is stipulated to guests: 1) they are made aware of the parking restrictions and regulations in the area (including no standing area in front of dwellings on Cascade Road) and are instructed to always use the allocated off street parking; 2) visitors are limited to one car; 3) they are aware that they are living in close proximity to others and keep noise to a minimum particularly at night; 4) they are respectful of the age and heritage of the building and do not light fires in the fireplace or wood heater. 5) and preferably maximum of four guests Applicant has explained directly to representors that they do not allow Airbnb guests to use the fire places, and restricting visitor numbers would not always prevent a booking with two cars.

Parking problems could be mitigated by clearly explaining the parking limitations and regulations around the property to guests, limiting guests to one vehicle, and requesting that guests park this vehicle in the allocated off street parking. Limiting guests to one vehicle could also potentially limit visitors to families, and couples and exclude groups, which seems more appropriate for the property which only has 1.5 bedrooms and a single bathroom. This may help to reduce the problems with disruptive guests and noise.
The accommodation is not 'hosted' there is no-one to ensure compliance with the requests. There are two more short-term accomodation properties at no 17 & 19 Cascade Rd and also in MacFarlane St. A survey of AirBnB in the area shows 12-15 properties in close proximity.
This area is a prime location for access to schools, shops and recreational areas. The transient nature of short-term occupancy disrupts community cohesion.

6. Assessment

6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

6.2 The site is located within the inner residential zone of the *Hobart Interim Planning Scheme 2015*.

6.3 The existing use, multiple dwelling is permitted in the inner residential zone. The proposed use visitor accommodation, in this zone, is permitted under 3.1(c) of PD6.

6.4 The proposal has been assessed against:

6.4.1 Planning Directive 6

6.4.2 E6.0 Parking and Access Code

6.5 The proposal relies on the following performance criteria to comply with the

applicable standards:

6.5.1 Planning Directive 6, 3.1 (e) P2

6.5.2 Parking and Access Code E6.7.5 - Layout of Parking Areas P1

6.6 Each performance criterion is assessed below.

6.7 Planning Directive 6, 3.1 (e) P2

6.7.1 The acceptable solution at clause PD6, 3.1 (e) A2 requires that Visitor Accommodation is not for a lot, as defined in the Strata Titles Act 1998, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.

6.7.2 The subject site is the middle strata lot of three, in a heritage conjoined building.

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criterion at clause PD6, 3.1 (e) P2 provides as follows:

Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:
(a) the privacy of residents;
(b) any likely increase in noise;
(c) the residential function of the strata scheme;
(d) the location and layout of the lots;
(e) the extent and nature of any other nonresidential uses; and
(f) any impact on shared access and common property.

6.7.5 The objective of the standard is: *That Visitor Accommodation:*
(a) is compatible with the character and use of the area;
(b) does not cause an unreasonable loss of residential amenity; and
(c) does not impact the safety and efficiency of local roads or rights of way.

6.7.6 The relevant performance criteria are below with comments in non-italics.

Visitor Accommodation within a strata scheme must not cause an

unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:
(a) the privacy of residents; - both of the adjoining dwellings are occupied by long term residents. Residential amenity concerns have been raised and provided appropriate management of visitors can be provided loss of adjacent residential amenity should be minimal;
(b) any likely increase in noise; - concerns have been raised on the issue of noise impacting on residential amenity from within the dwelling as well as from vehicles consistently parking out the front in the no parking zone. Provided appropriate management of visitors can be provided there should be minimal increase in noise compared with its previous use;
(c) the residential function of the strata scheme; - both of the adjoining dwellings are occupied by long term residents. Impacts could be reduced through proper management of the use.
(d) the location and layout of the lots; - the subject dwelling is in the middle of the other two, and as the properties are old, sound insulation is not considered a viable option - visitor management is preferred.
(e) N/R
(f) N/R

6.7.7 The proposal complies with the performance criterion on the condition that a Visitor Management Plan is approved and implemented.

6.8 E6.7.5 Layout of Parking Areas P1

6.8.1 The acceptable solution at clause E6.6.1 A1 requires car parking spaces to be laid out in accordance with Australian Standard AS2890.1.

6.8.2 The site includes a single parking space that does not meet minimum dimensions.

6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause E6.7.5 P1 provides as follows:

The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring onsite.

6.8.5 The recommended Visitor Management Plan must include detailed instructions about how to access the car park off McFarlane Street, how to open the garage door, the dimensions of the parking space, and that the

visitor needs to know if their vehicle will fit both in height, width and length prior to attempting to park there - if they will not fit clear instructions must be provided with a map of their legal parking options.

6.8.6 The proposal would comply with the performance criterion on satisfaction of the recommended condition.

7. Discussion

7.1 Planning approval is sought for change of use for visitor accommodation at 11 Cascade Road, South Hobart.

7.2 Three (3) representations objecting to the proposal were received in total, two within the statutory advertising period between 22 November to 6 December 2019, the other approved for inclusion. The representations raised concerns including impacts on residential amenity from noise and parking.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and Planning Directive 6 and is considered to be reasonable provided a visitor management plan condition is satisfied and the property managed adequately over time.

7.4 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed change of use for visitor accommodation at 11 Cascade Road, South Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for conditional approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use for visitor accommodation at 11 Cascade Road, South Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use must be substantially in accordance with the documents and drawings that comprise PLN-19-733 - 11 CASCADE ROAD SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved, to the satisfaction of the Council's Director City Planning. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents in the adjacent dwellings and vicinity. These measures must include, but are not limited to, the following requirements:

1. **To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
2. **To specify the maximum permitted occupancy of the visitor accommodation as four (4) people.**
3. **To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.**
4. **To provide guests with detailed instructions about accessing the on site parking including the dimensions of the space (height, width, length) and that the guests are required to know beforehand if their vehicle, including items on a roof rack, will fit entirely within the space with the door closed.**
5. **To provide a map showing off site parking options for use only when the the guest's vehicle will not fit in the on site parking space.**
6. **To specify no pets on site.**
7. **No fires are to be lit in the fire places or internal wood heaters.**

8. **No smoking on the site.**

The operator must also provide details about waste management and cleaning of the premises.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation.

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's website for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

STRATA AMENDMENT

You are advised to amend the strata plan pursuant to the provisions of the *Strata Titles Act 1998* to reflect the buildings on the site, and to show all floor areas. Click here for more information.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found here.

In all cases, check with your insurance company that you have adequate cover.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.



(Michelle Foale)
Development Appraisal Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Cameron Sherriff)
Acting Manager Development Appraisal

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 30 December 2019

Attachment:

Attachment B - CPC Agenda Documents

simmonsWOLFHAGEN Lawyers

Contact: Jenny Hortle
Our Ref: JLH:JLH:190071

8 February 2019

Mr S van der Hart & Ms S Bierdrager
1C Sha Kok Mei South
Sai Kung NT
HONG KONG
By email simonvanderhart@gmail.com

Dear Simon & Stephanie

Purchase of 11 Cascade Road, South Hobart

Please find enclosed:

1. A Property Identification Certificate to be completed by you and returned to me as soon as possible.

2. A copy of a search of the Certificate of Title showing the current registered proprietor of the property. This appears to be in order.

The property you are purchasing is shown as Flat 2 on Strata Plan 57595. Please note that you will have exclusive use of the highlighted portion of land.

We note that you are purchasing a strata title unit and accordingly you will be subject to the provisions of the Strata Title Act. As an owner of a strata unit you are automatically part of the Body Corporate. The Body Corporate is made up of all the owners of the units on the strata title plan.

Irrespective of whether the Body Corporate is active or not you are still subject to the provisions of the Strata Title Act. The Body Corporate has the power to make and amend by-laws. If no by-laws are established at the time of registration of the strata plan then the model by-laws apply. The model by-laws regulate the use and enjoyment of the unit and the common property and are set out in the enclosed booklet "Strata Title Living in Tasmania".

Address Level 4, 99 Bathurst Street
Hobart TAS 7000
GPO Box 146
Hobart TAS 7001

ABN 69 541 148 321

Phone +61 3 6226 1200
Fax +61 3 6226 1292
DX 114 Hobart

Email info@simwolf.com.au
Web www.simwolf.com.au

Lawyers specialising in
› Business Acquisitions, Partnerships, Company & Commercial Law
› Conveyancing, Property Development, Easements & Subdivisions
› Family & De Facto Relationship Law
› Wills, Estate Planning & Administration of Estates
› Commercial Litigation, General Litigation & Dispute Resolution
› Local Government, Environment & Planning Law
› Employment & Workplace Relations Law
› Bankruptcy, Insolvency & Securities Enforcement
› Insurance Law, Personal Injury Law
› Building, Construction & Engineering Law

If you have any queries concerning the property please contact me.

Yours faithfully
Simmons Wolfhagen

Adrian Tan
Senior Associate ¦ Property & Commercial Law
adrian.tan@simwolf.com.au

PROPERTY IDENTIFICATION CERTIFICATE

Purchase of Property: 11 Cascade Road, South Hobart

We, **Simon Kim van der Hart & Stephanie Marjolein Bierdrager** hereby verify as follows:-

1. The measurements of the boundaries of the land we intend to purchase, as described in the attached plan appear to be correct.

2. The general identity of the land is that as described in the plan attached.

3. There appears to be no encroachments existing on the property being purchased by us and the property to be purchased does not appear to encroach onto any adjoining properties.

4. The property, as shown on the plan attached appears to be the property being purchased by us.

Dated: .....

....

RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Tasmanian Government

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
57595	2
EDITION	DATE OF ISSUE
9	15-Aug-2017

SEARCH DATE : 23-Jan-2019
SEARCH TIME : 11.02 AM

DESCRIPTION OF LAND

City of HOBART
Lot 2 on Strata Plan 57595 (formerly being STR2378) and a general unit entitlement operating for all purposes of the Strata Scheme being a 1 undivided 1/3 interest
Derived from Strata Plan 57595
Derivation : Part of 25A-3R-34Ps Gtd to C Swanston & Anor
Prior CT 4436/13

SCHEDULE 1

(M638374) M647598 JUDITH FRANCES WILLOUGHBY Registered 15-Aug-2017 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
The registered proprietor holds the lot and unit entitlement subject to any interest noted on common property Folio of the Register volume 57595 folio 0

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Tasmanian Government

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
57595	0
EDITION	DATE OF ISSUE
3	17-Aug-2000

SEARCH DATE : 23-Jan-2019
SEARCH TIME : 11.02 AM

DESCRIPTION OF LAND

City of HOBART
The Common Property for Strata Scheme 57595 (formerly being STR2378)
Derivation : Part of 25A-3R-34Ps Gtd to C Swanston & Anor
Prior CT 4286/37

SCHEDULE 1

STRATA CORPORATION NO. 57595, 9-13 CASCADE RD., HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

the List

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Tasmanian Government

Conveyancing and Law of Property Act 1884

STRATUM PLAN

No. 2378

Sheet 1 of 5 Sheets

REGISTERED NUMBER

57595

City or Town HOBART

Locality SOUTH HOBART

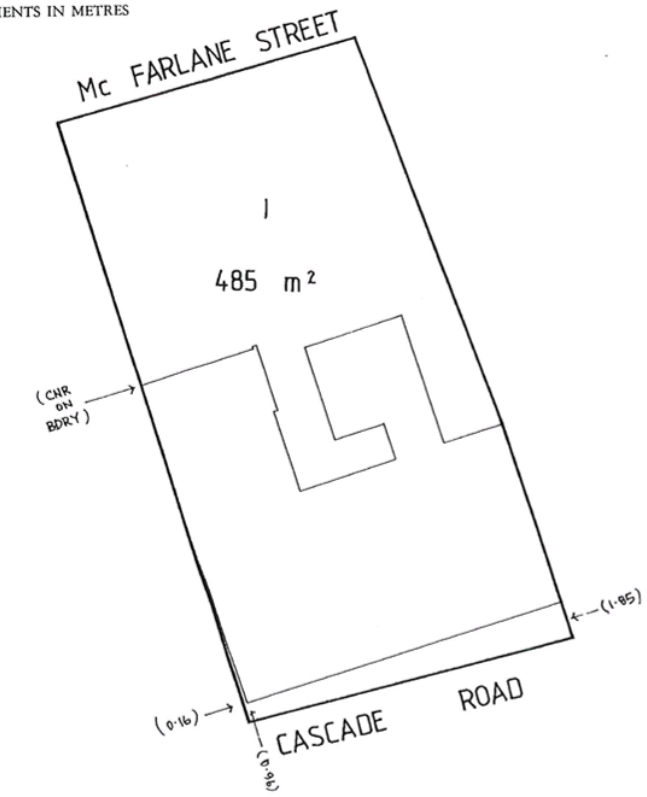
Reference to Title C.T. 4286/37

Site comprises the whole ~~portion~~ of Lot 1 on ~~Plan~~ Diagram No. 34198 in the Lands Titles Office

The name of the building is 9–13 CASCADE RD, HOBART

External surface boundaries of the site and the location of the building in relation thereto to be delineated in this space

N SITE PLAN
SCALE 1: 200
MEASUREMENTS IN METRES



REGISTERED this 19TH day of FEBRUARY 1988, No. 2378

This plan is lodged for registration by
Mc CULLOCH & Mc CULLOCH

Recorder of Titles

OSD 754

FOLIO PLAN

RECORDER OF TITLES

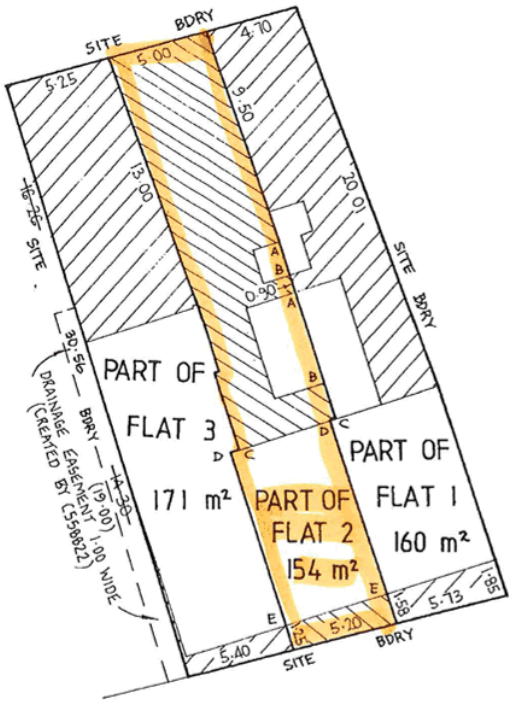
Issued Pursuant to the Land Titles Act 1980

Sheet 2 of 5 Sheets

Derwent No. 2378

A/Town Clerk/~~Council Clerk~~

GROUND FLOOR
SCALE 1:100



* ALL HORIZONTAL FLAT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES.
* THE BOUNDARIES DESCRIBED BY MEASUREMENT ARE OPEN.
* ALL BOUNDARIES ARE THE EXTERNAL FACE OF WALLS AND CENTRE OF FLOORS AND CEILINGS UNLESS OTHERWISE STATED.
* ~~INTERNAL FLAT BOUNDARIES ARE THE CENTRE OF WALLS.~~
* THE HATCHED PORTIONS OF THE FLATS ARE PRIVATE OPEN SPACE AND EXTEND VERTICALLY FROM GROUND LEVEL TO ~~A HEIGHT OF 3 METRES FROM~~ THE PRO-LONGATION OF THE CEILING ABOVE.

CENTRE OF THE

BOUNDARIES MARKED A-B AND C-D-E ARE THE CENTRE OF WALLS

the LIST

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Tasmanian Government

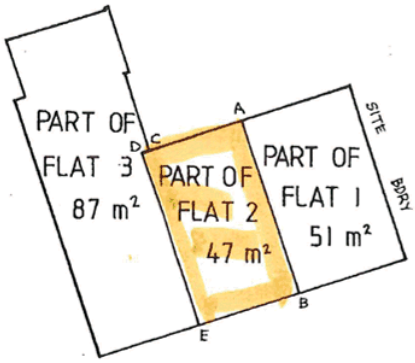
If further sheets are required to illustrate the flats, the sheets should be pinned here. Further sheets must be of paper supplied for the purpose by the Recorder of Titles and bearing his seal, and be numbered consecutively, commencing from sheet 4.

Sheet 3 of 5 Sheets

No. 2378

A/Town Clerk/~~Council Clerk~~

1ST FLOOR
SCALE 1: 200



* ALL HORIZONTAL FLAT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES.
* ALL BOUNDARIES ARE THE EXTERNAL FACE OF WALLS AND CENTRE OF FLOORS AND CEILINGS UNLESS OTHERWISE STATED.
* ~~INTERNAL FLAT~~ BOUNDARIES ARE THE CENTRE OF WALLS.

MARKED A-B AND C-D-E

the LIST

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Tasmanian Government

Sheet 4 of 5 Sheets

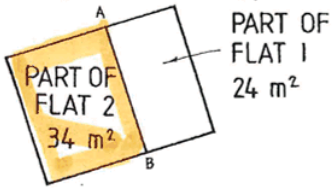
STRATUM PLAN

Hobart City Council
Town Clerk/~~Council Clerk~~ of

9–13 CASCADE ROAD HOBART
(insert here name of the building)

RECORDER OF TITLES TASMANIA

2ND FLOOR
SCALE 1:200



* ALL HORIZONTAL FLAT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES.
* ~~THE INTERNAL FLAT~~ BOUNDARY IS THE CENTRE OF THE WALL.
MARKED A–B

ALL BOUNDARIES ARE THE EXTERNAL FACE OF WALLS AND THE CENTRE OF FLOORS AND CEILINGS UNLESS OTHERWISE STATED

73484

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Tasmanian Government

Sheet 5 of 5 Sheets

No. 2378

Hobart C.
A/ Town Clerk/~~Council Clerk~~

The address for service of notices on the company is:—

9 – 13 Cascade Road
South Hobart 7000

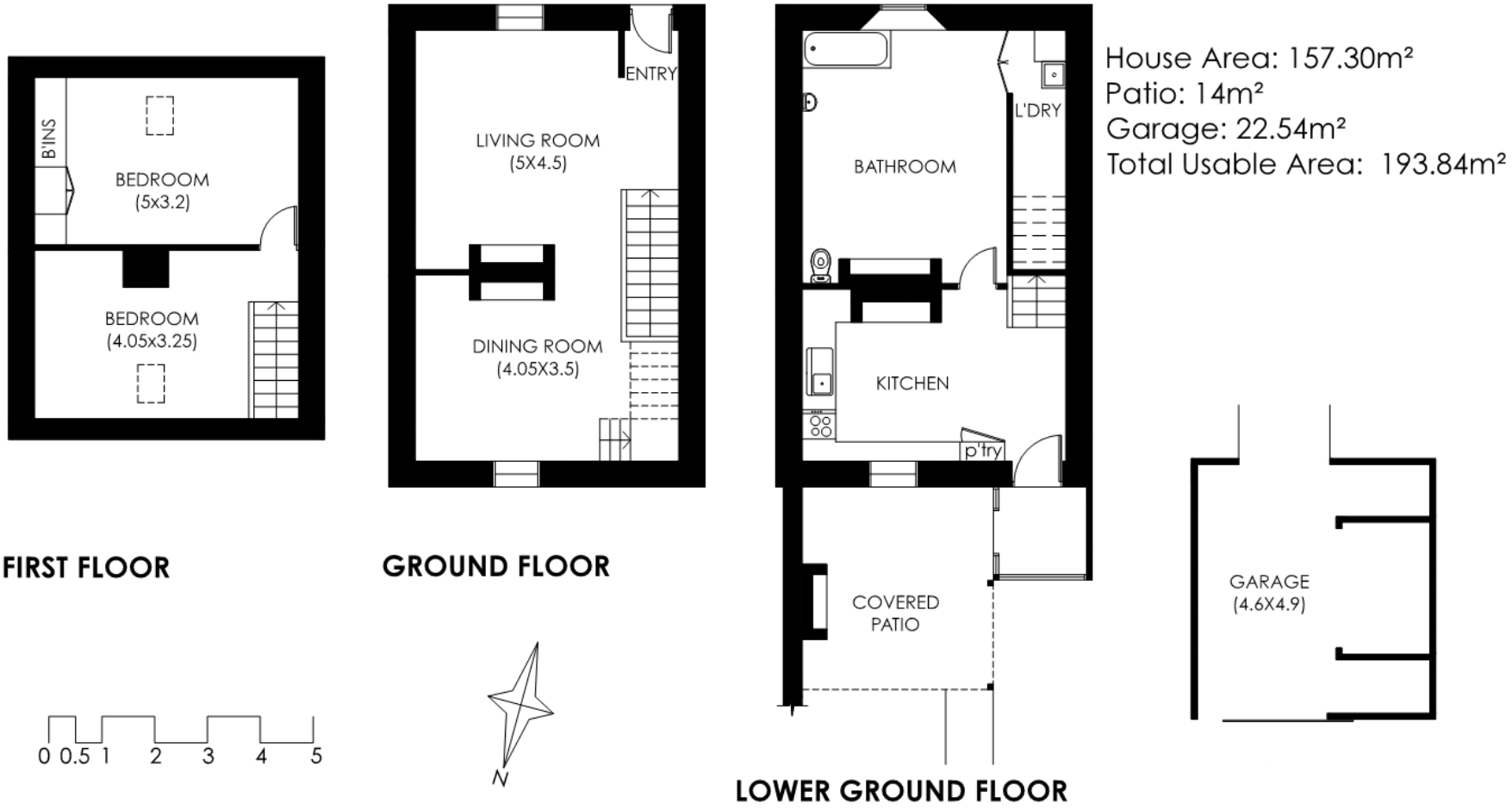
UNIT ENTITLEMENTS

Flat	Unit Entitlement	For Office Use Only
1	1	4436- 12
2	1	- 13
3	1	- 14

Plan of the property:

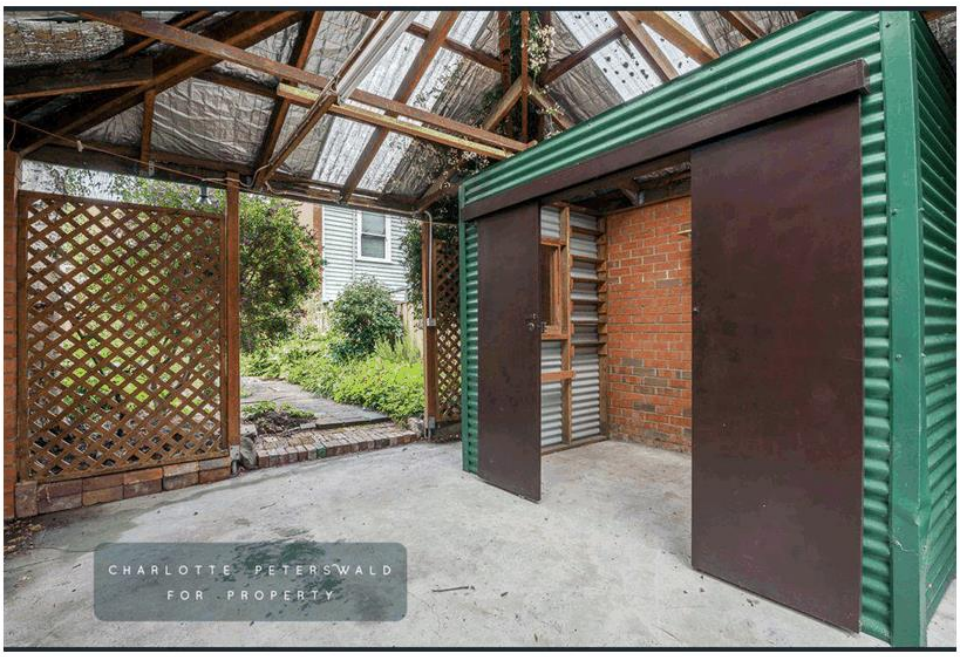
Use 11 Cascade road as a visitor accommodation (Airbnb). The house will also function as the private holiday home of the owners when they are in Tasmania.

South Hobart
11 Cascade Rd
House Area: 157.30m² (16.93sq)



IMPORTANT: measurements are approximate - interested parties need to verify

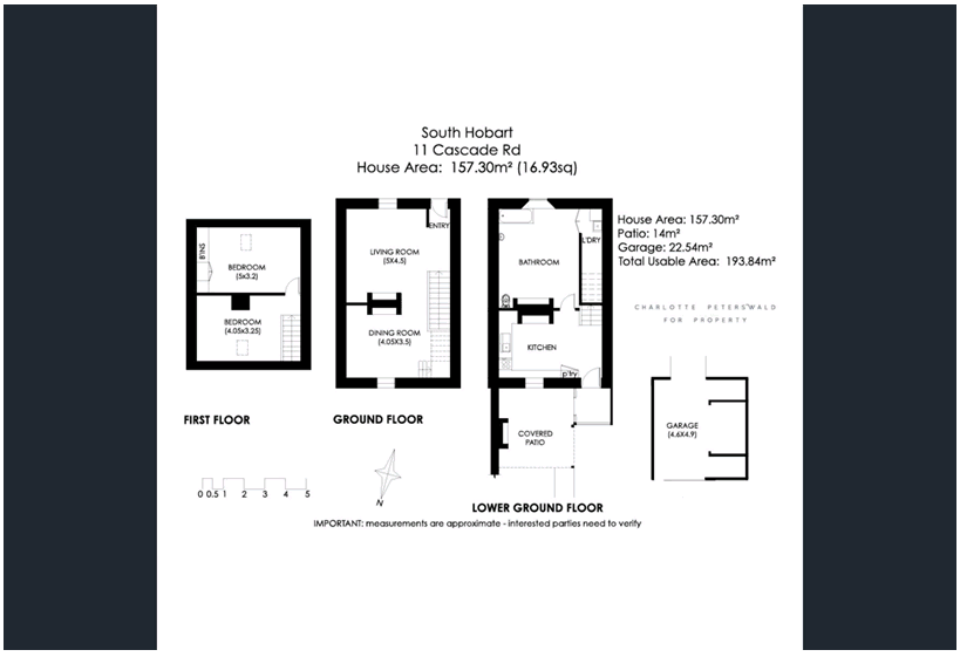
Garage MEASUREMENT 4.6X4.9



Street view and access to private covered car park:



Floorplan including measurement car park


South Hobart
11 Cascade Rd
House Area: 157.30m² (16.93sq)
BEDROOM (5x3.2)
BEDROOM (4.05x3.25)
LIVING ROOM (5X4.5)
ENTRY
DINING ROOM (4.05X3.5)
BATHROOM
L'DRY
KITCHEN
COVERED PATIO
GARAGE (4.6X4.9)
House Area: 157.30m²
Patio: 14m²
Garage: 22.54m²
Total Usable Area: 193.84m²
CHARLOTTE PETERSWALD
FOR PROPERTY
FIRST FLOOR
GROUND FLOOR
LOWER GROUND FLOOR
0 0.5 1 2 3 4 5
N
IMPORTANT: measurements are approximate - interested parties need to verify

STRATA split & LOT



#13

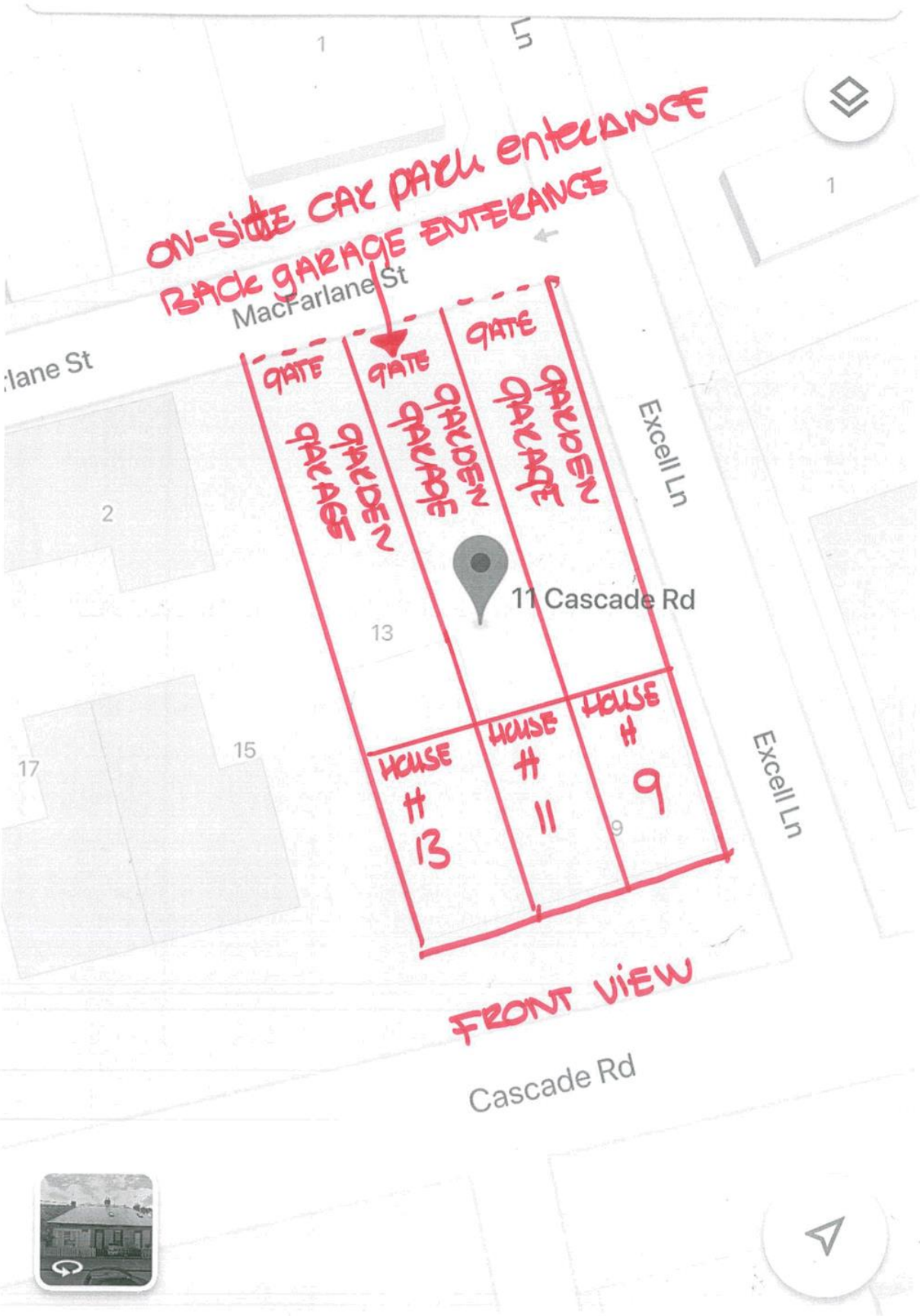
#9

11 CASCADE ROAD

FRONT VIEW



BACK SIDE HOUSE
11 CASCADE ROAD.
ON-SITE CAR PARK ENTERANCE


ON-SIDE CAR PARK ENTERANCE
BACK GARAGE ENTERANCE
MacFarlane St
GATE
GATE
GATE
GARDEN
GARAGE
GARDEN
GARAGE
GARDEN
GARAGE
Excell Ln
11 Cascade Rd
HOUSE # 13
HOUSE # 11
HOUSE # 9
Excell Ln
FRONT VIEW
Cascade Rd

7.2.3 THE SPRINGS, MOUNT WELLINGTON - NEW BUILDING AND CHANGE FROM TEMPORARY FOOD SERVICES USE AND DEVELOPMENT TO PERMANENT FOOD SERVICES USE AND DEVELOPMENT PLN-19-856 - FILE REF: F20/5025

Address:	The Springs, Mount Wellington
Proposal:	New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development
Expiry Date:	31 January 2020
Extension of Time:	Not applicable
Author:	Liz Wilson

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for new building and change from temporary food services use and development to permanent food services use and development at The Springs, Mount Wellington for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-19-856 - THE SPRINGS MOUNT WELLINGTON TAS 7054 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The double swing doors at the end of the existing shipping container must remain closed at all times.

Reason for condition

To avoid damage to the bollards within the Council's road reserve.

ENV 14

Only locally-occurring native species may be used for the planter boxes unless the written consent of the planning authority is received.

Reason for condition

To minimise the spread of weeds.

ENV 15

All construction vehicles and machinery must be effectively cleaned of soil both before entering Wellington Park.

Soil cleaned from construction vehicles and machinery must not be allowed, either directly or indirectly, to enter waterways or the Council's stormwater system.

Note: Further information on effective measures for washdown can be found here.

Reason for condition

To minimise the spread of weeds and pathogens

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click here.

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

OPS s1

There must be no damage to roots within the Structural Root Zone of the yellow gums (*Eucalyptus johnstonii*) to be retained, as it could lead to public safety issues. If any roots over 40 mm in diameter within the Tree Protection Zone are encountered during excavation work, work must stop immediately. Work must not recommence until a stand-over arborist is present. The arborist must advise on how the works can proceed without having a significant impact upon any Root Zones of retained trees. If a significant impact is likely, works must not proceed without further approval from the Program Leader Arboriculture and Nursery at the City of Hobart.

No excavation is to occur beyond the proposed footprint of the new container. Excavation within the footprint of the new container is to be the minimum necessary to level the container. Back-filling with fine crushed rock between the sleepers is required.

The Protection of Trees on Development Sites Australian Standard AS 4970-2009 is to be followed during works.

Reason for condition

Protection of public safety and natural values within Wellington Park.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's website for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016.* Click here for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993.*

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click here for more information.

PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click here for more information.

FOOD BUSINESS REGISTRATION

Food business registration in accordance with the *Food Act 2003*. Click here for more information.

Attachment A:	PLN-19-856 - NONE THE SPRINGS MOUNT WELLINGTON TAS 7054 - Planning Committee or Delegated Report ⇩
Attachment B:	PLN-19-856 - NONE THE SPRINGS MOUNT WELLINGTON TAS 7054 - CPC Agenda Documents ⇩
Attachment C:	PLN-19-856 - NONE THE SPRINGS MOUNT WELLINGTON TAS 7054 - Planning Referral Officer Environmental Development Planner Report ⇩

City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	28 January 2020
Expiry Date:	31 January 2020
Application No:	PLN-19-856
Address:	THE SPRINGS , MOUNT WELLINGTON
Applicant:	CAROLINE LINDUS 183 MACQUARIE STREET
Proposal:	New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development
Representations:	Nil
Performance criteria:	Use; Landscape, Visual Quality and Amenity; Car Parking Provisions; and Building Siting

1. Executive Summary

1.1 Planning approval is sought for New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development

1.2 More specifically the proposal includes:

- Two shipping containers at The Springs.
- The first shipping container is existing, and was approved as a temporary structure under PLN-16-952. The proposal is to keep the container on a permanent basis. It will continue to be used as a cafe.
- The second container is new and is an extension to the existing container, providing additional space for a fridge/freezer and shelving. This container is 14.7m^2 and will be painted in muted green colours and timber cladding, to match the existing container.
- The cafe will operate between 9am and 5pm, seven days a week on an ongoing basis.
- The ongoing operation of the cafe will be managed through lease agreements with the Hobart City Council and the Wellington Park Management Trust, rather than through temporary planning permits.

1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

1.3.1 Wellington Park Management Plan 2013 - Use; Landscape, Visual Quality and Amenity; Car Parking Provisions; and Building Siting

1.4 No representations were received during the statutory advertising period between 13 and 30 December 2019.

1.5 The proposal is recommended for approval subject to conditions.

1.6 The final decision is delegated to the Council.

2. Site Detail

2.1 The site is located at The Springs on kunanyi/Mount Wellington, specifically the gravel area adjacent to the car park, and is the site where the Lost Freight coffee shop building is currently located. Fig. 2 below shows the Lost Freight building in situ.



Fig. 1. Subject property - The Springs.



Fig. 2. The existing Lost Freight coffee shop building.

3. Proposal

3.1 Planning approval is sought for New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development.

3.2 More specifically the proposal includes:

- Two shipping containers at The Springs.
- The first shipping container is existing, and was approved as a temporary structure under PLN-16-952. The proposal is to keep the container on a permanent basis. It will continue to be used as a cafe.
- The second container is new and is an extension to the existing container, providing additional space for a fridge/freezer and shelving. This container is 14.7m^2 and will be painted in muted green colours and timber cladding, to match the existing container.
- The cafe will operate between 9am and 5pm, seven days a week on an ongoing basis.
- The ongoing operation of the cafe will be managed through lease agreements with the Hobart City Council and the Wellington Park Management Trust, rather than through temporary planning permits.

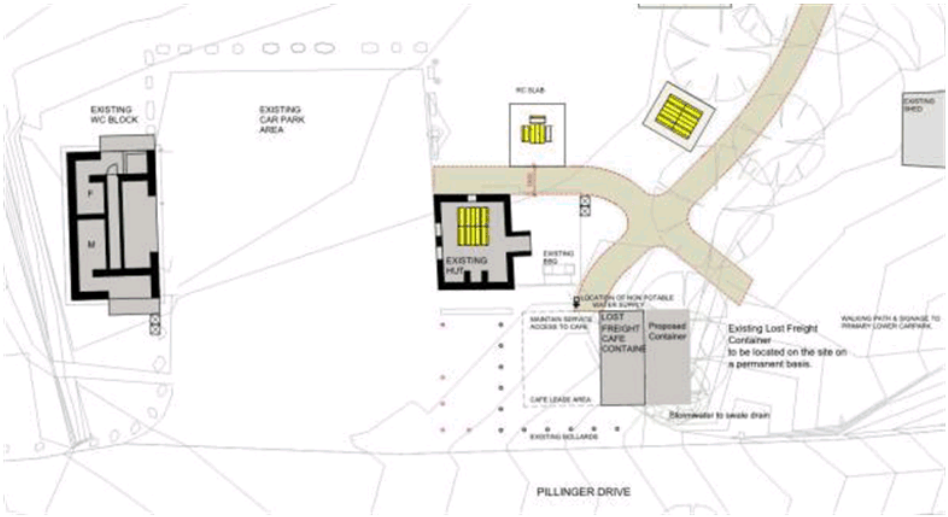


Fig. 3. Proposed site plan.

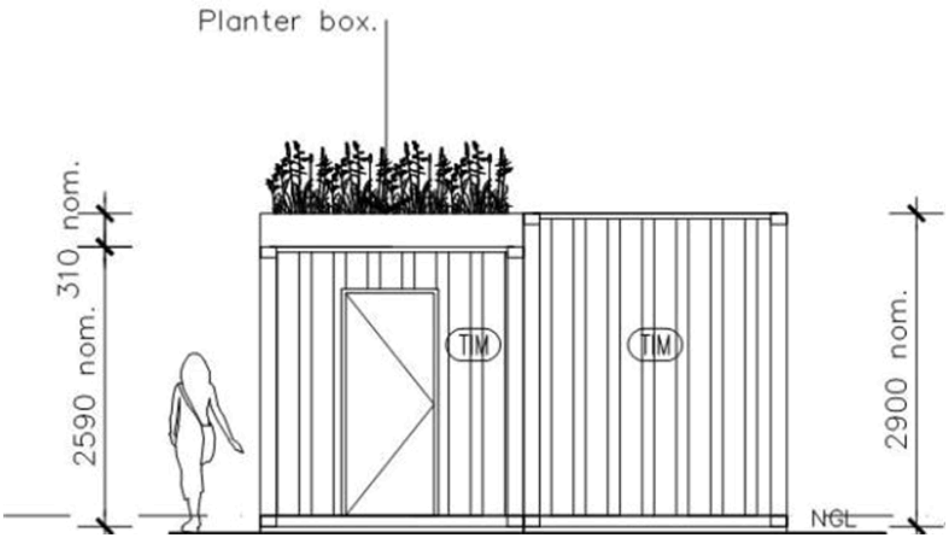


Fig. 4. Elevation of the proposed new shipping container.

4. Background

4.1 The Bentwood Coffee Van was approved to operate from the site under Planning Permit PLN-14-01238 on 22 December 2014. This van was replaced by the current building (Lost Freight).

4.2 The Lost Freight building was approved as a temporary building under Planning Permit PLN-16-952, restricting its operation until 29 February 2020.

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between 13 and 30 December 2019.

6. Assessment

6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria,

the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

The application requires assessment under the Wellington Park Management Plan 2013, and this assessment forms part of this planning report.

The proposal also requires consideration by the Wellington Park Management Trust. A permit has been granted by the Trust subject to conditions for "Permit to Place a Converted Shipping Container at The Springs as an Extension to the Existing Lost Freight Cafe and to Continue Operation of the Cafe". This permit forms part of the advertised documentation, and is attached to this planning report at Attachment B.

6.2 The site is located within the Environmental Management Zone of the *Hobart Interim Planning Scheme 2015.* Planning applications within Wellington Park are considered under the *Wellington Park Specific Area Plan* (Section F.3.0 of the *Hobart Interim Planning Scheme 2015*). Clause F.3.2.2 of the specific area plan states:

Not withstanding any other provision of this planning scheme, any use or development of land in Wellington Park must be undertaken in accordance with the provisions of the Wellington Park Management Plan.

As such, any planning application for use or development on kunyani/Mount Wellington must be considered against the *Wellington Park Management Plan 2013* and not the provisions of the planning scheme, unless there are provisions in the planning scheme that the management plan does not consider such as signage. No additional signage is proposed as part of this application.

6.3 The proposed use is food services which is a discretionary use within the Springs Specific Area Plan of the *Wellington Park Management Plan 2013*.

6.4 The proposal has been assessed against:

6.4.1 Part F - 3.0 Wellington Park Specific Area Plan

6.5 The proposal relies on the following performance criteria to comply with the applicable standards in the *Wellington Park Management Plan 2013*:

6.5.1 Use (Springs Local Area Plan, Wellington Park Management Plan 2013)

6.5.2 Landscape, Visual Quality and Amenity (Standards for Use and Development, Wellington Park Management Plan 2013)

6.5.3 Car Parking Provisions (Standards for Use and Development, Wellington Park Management Plan 2013)

6.5.4 Building Siting (Standards for Use and Development, Wellington Park Management Plan 2013)

6.6 The Standards for Use and Development for The Springs in the Management Plan are assessed below.

6.7 Springs Specific Area Plan - Use - Clauses S.1.1.2, S.1.1.3 and S.1.1.4

6.7.1 The proposed use under the *Wellington Park Management Plan 2013* is 'food services' which is defined as:

Use of land for preparing or selling food or drink for consumption on or off the premises: cafe, restaurant and take-away food premises.

6.7.2 Food services is a discretionary use within the Springs Specific Area Plan of the *Wellington Park Management Plan 2013*.

6.7.3 A coffee shop (the Bentwood Coffee van and later the Lost Freight shipping container) has been successfully operating from the site ever since the use was first approved in December 2014. The applicant's intention to invest further in the site shows that the enterprise has been successful and is servicing a need for refreshments at The Springs. The proposal is to continue the food services use on a permanent rather than a temporary basis. The tenure will be controlled via lease agreements with the City of Hobart and the Wellington Park Management Trust rather than through ongoing planning permits.

6.7.4 The use and development is consistent with the purpose of the Springs Specific Area Plan (clause S.1.1.2, S.1.1.3 and S.1.1.4) which includes:

- Maintaining the Springs as a place for visitor facilities, visitor information and park interpretation.
- Use of the land in areas with demonstrated capability for development in a manner that ensures the values and resource base is not degraded and is available for use by future generations.
- Recognise the special location and environment of The Springs.
- Ensure that development does not create burdensome demands for public investment in physical infrastructure.

- Provides opportunities for people of all ages, social and economic groups to benefit from the values and use and development of the area.
- Maintain important scenic and visual components of the landscape.
- Ensure there is no adverse affect on flora and fauna.
- Ensure development at The Springs provides for a range of desirable services and facilities that are compatible with and subservient to the needs and interests of current and future users of the park.
- Is of high architectural quality and of a type, location, scale, form, size and bulk that is compatible with the environmental, landscape, visual, aesthetic, historic and other cultural heritage values of the park.

6.7.5 The Council has already approved a food services use at The Springs, but on a temporary basis. The only difference with this application is that the use will be permanent. The tenure of the use will be controlled through lease agreements between the Council and the operator, with the lease agreements managed by Council's City Amenity Division.

6.7.6 The use is consistent with the Springs Specific Area Plan and it is recommended that Council grant a planning permit for the coffee shop to be a permanent use at The Springs.

6.8 Clause S1.6 - Standards for Use and Development - Issue 1: Subdivision

6.8.1 Subdivision is not proposed under the current application and so Issue 1 is not applicable to the assessment.

6.9 Clause S1.6 - Standards for Use and Development - Issue 2: Flora and Fauna Conservation, Geoconservation and Natural Processes

6.9.1 The acceptable solution clause A.2.1 (Native Vegetation) is as follows:

The proposal does not involve removal or damage to terrestrial or aquatic native vegetation which:

(a) Is listed as significant in this Management Plan, or any planning strategy or Trust endorsed scientific assessment prepared in accordance with this Management Plan; or is a Threatened Vegetation Community under the Nature Conservation Act 2002.

(b) Supports or forms habitat for any species of fauna listed in the Threatened Species Protection Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999.

The Council's Environmental Development Planner has commented as follows:

It is proposed to remove three trees and a few groundcover species. Two other trees could be impacted through root-zone disturbance. This vegetation is not listed under the *Nature Conservation Act 2002* or the management plan or supporting documents. The submitted Natural Values determination states that the vegetation does not support any specific habitat features and is not significant habitat for threatened species.

Acceptable solution A.2.1 is therefore met by the proposal.

6.9.2 Acceptable solution A.2.2 (Threatened Species) is as follows:

The proposal does not impact upon any threatened species listed under the Threatened Species Protection Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999.

The Council's Environmental Development planner has advised that no threatened species would be impacted.

Acceptable solution A 2.2 is therefore met by the proposal.

6.9.3 Acceptable solution A.2.3 (Geoheritage) is as follows:

The proposal does not impact upon any sites which are listed as significant in this Management Plan or in a Trust endorsed scientific assessment or listed on the Tasmanian Geoconservation Database.

The Council's Environmental Development Planner has advised that no geoconservation sites would be impacted.

Acceptable solution A.2.3 is therefore met by the proposal.

6.10 Clause S1.6 - Standards for Use and Development - Issue 3: Cultural Heritage Values

6.10.1 Acceptable solution A.3.1 is as follows:

The proposal does not involve an Aboriginal relic as defined under the Aboriginal Relics Act 1975, or Aboriginal heritage site or precinct identified in accordance with the Management Plan.

The applicant has advised that the development will not involve an Aboriginal relic.

Acceptable solution A.3.1 is therefore met by the proposal.

6.10.2 Acceptable solution A.3.2 is as follows:

The proposal does not involve a place listed on the Tasmanian Heritage Register under the Historic Cultural Heritage Act 1995 or listed in a Heritage Code of a Planning Scheme.

The Springs is not listed on the Tasmanian Heritage Register or in the *Hobart Interim Planning Scheme 2015.*

Acceptable solution A.3.2 is therefore met by the proposal.

6.11 Clause S1.6 - Standards for Use and Development - Issue 4: Hydrology

6.11.1 Acceptable solution clause 4.1 provides as follows:

Use and development (including vegetation removal) will not occur within 40m of the boundary of a water course, bog, recharge basin shown on Map S2 Hydrology. There is no acceptable solution for use or development within the Drinking Water Catchment boundary as shown on Map S2 Hydrology.

The Council's Environmental Development Planner has advised that the development would not be located within 40m of a feature shown on map S2, and would not be within the drinking water catchment boundary shown on map S2.

Acceptable solution A.4.1 is therefore met by the proposal.

6.11.2 Acceptable solution clause A.4.2 provides as follows:

In the remaining areas of The Springs, use or development involves no extraction of water from any water body, wetland or watercourse expect for use in fire fighting or carrying out planned burns in accordance with a bushfire management strategy prepared in accordance with this Management Plan.

The development complies with the acceptable solution because water will not be extracted from the Park.

Acceptable solution clause A.4.2 is therefore met by the proposal.

6.12 Clause S1.6 - Standards for Use and Development - Issue 5: Landscape, Visual Quality and Amenity

6.12.1 Acceptable solution clause A.5.1 provides as follows:

The proposal does not involve a new building or structure, apart from Park furniture or Park signs.

6.12.2 The proposal includes a new building which is not Park furniture or Park signs.

6.12.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.12.4 The performance criterion at clause P.5.1 provides as follows:

New buildings and structures (other than Park furniture or replacement of an existing building or structure of the same size and location) in prominent locations visible from within or outside of the Park, or identified as of High or Moderate Visual Sensitivity in Map 4 of this Management Plan, must be designed and sited to minimise or remedy any loss of visual values or adverse impacts on the visual character of the affected area.
Note: Satisfaction of this Performance Criterion may include a Visual Impact Analysis, prepared by a suitable qualified person, demonstrating how the building or structure can be designed and located to harmonise with the site.

6.12.5 The containers will be sited in an area of High Visual Management Sensitivity. The external treatments and colours of the buildings have been designed so that the buildings blend with the surrounding environment. They are not visually intrusive in terms of their siting or design, and are only visible from the immediate surrounding area.

6.12.6 The proposal complies with the performance criterion.

6.13 Clause S1.6 - Standards for Use and Development - Issue 6 (a) and (b): Regolith and Fire

6.13.1 Acceptable solution A.6.1 provides as follows:

Development is on slopes less than 6 degrees on areas of Triassic type geology.

The Council's Environmental Development Planner has advised that the proposal meets the acceptable solution.

6.13.2 Acceptable solution A.6.2 provides as follows:

Development of new or modified buildings must be in accordance with sections E.1.6.3, E.1.6.4 and E.1.6.5 of Planning Directive No. 5 (Bushfire Prone Areas Code).

The Council's Environmental Development Planner has advised that the development is not subject to the Bushfire-Prone Areas Code and so the acceptable solution is met.

6.14 Clause S1.6 - Standards for Use and Development - Issue 7 (a), (b), (c) and (d) - Infrastructure Provision (Roads, Water, Sewerage and Stormwater)

6.14.1 Acceptable solution A.7.1 provides as follows:

Any new road to be constructed with The Springs Specific Area is to provide access to an approved development.

The development does not propose a new road and so the acceptable solution is met.

6.14.2 Acceptable solution A.7.2 provides as follows:

No development is to be carried out at The Springs which would result in a requirement to upgrade the capacity of Pillinger Drive (between Fern Tree and the Park Boundary) nor Pinnacle Road (between the Park Boundary and the Pinnacle).

The development does not require road upgrades and so the acceptable solution is met.

6.14.3 Acceptable solution A.7.3 provides as follows:

Works associated with any road construction, repair or maintenance do not require:
(a) removal of vegetation;
(b) disposal of runoff into any watercourse, bog or recharge basin, or

(c) the use of pesticides or herbicides for control of environmental weeds.

There is no road construction, repair or maintenance proposed and so the acceptable solution is met.

6.14.4 Acceptable solution A.7.4 provides as follows:

All roads are to be constructed to Australian Roads Standards as published by Ausroads.

No roads are proposed and so the acceptable solution is met.

6.14.5 Acceptable solution A.7.5 provides as follows:

Car parking facilities are to be constructed to Australian Standard "Parking Facilities" AS2890 for off street parking for cars and commercial vehicles.

No new parking is proposed and so the acceptable solution is met.

6.14.6 Acceptable solution A.7.6 provides as follows:

The use and development does not require a supply of drinking water.

All water will be brought into the site and so the development does not need a supply of drinking water. The acceptable solution is met.

6.14.7 Acceptable solution A.7.7 provides as follows:

The use and development does not require sewerage facilities.

The existing public toilets will be accessed by customers and so the development does not need its own sewerage facilities. The acceptable solution is met.

6.14.8 Acceptable solution A.7.8 provides as follows:

The design and construction of stormwater systems complies with Australian Standard 3500.3.2:2003 and does not drain into the drinking water catchment.

The development does not drain into the drinking water catchment area.

Instead, the small amount of runoff from the roof will drain into the Council dish drain on the side of the road. The Council's Senior Development Engineer had no objection to this method of stormwater management. The acceptable solution is met.

6.15 Clause S1.6 - Standards for Use and Development - Issue 8 (a) and (b) - Car Parking and Access (Car Parking Provision, Access and Design)

6.15.1 Acceptable solution A.8.2 provides as follows:

The use and development does not require car parking.

6.15.2 It is considered that the use does require car parking and so the acceptable solution is not met. Assessment against the performance criteria is relied upon.

6.15.3 The performance criterion provides as follows:

Car parking is to be provided to meet the needs of a development, and is determined by taking into account the:

(a) Nature, number and size of vehicles associated with the proposed use or development;
(b) Location and nature of other uses or developments in the vicinity;
(c) Effect of hazards shown on Map S3 or other site constraints in reducing parking opportunities;
(d) Possibility of sharing spaces with other developments; and
(e) Car parking needs of people likely to utilise the particular use or development.

6.15.4 The use requires parking as many people purchasing coffee would be travelling by car and cannot stop to buy a coffee unless they can park their car in the immediate vicinity. The parking requirement would not be high. People would not drive up to The Springs with the sole intent of buying a coffee. Stopping for a coffee would be a small part of the larger trip to the mountain, with a large number of visitors stopping at The Springs as a normal part of their day on the mountain, with or without coffee facilities. Customers would use the existing parking at The Springs. The provision of further parking in the broader Springs area must occur strategically, and providing additional parking specifically for the coffee shop is inappropriate.

6.15.5 Acceptable solution A.8.2 provides details of how proposed parking and

access facilities should be constructed. As none are proposed, the acceptable solution is met.

6.16 Clause S1.6 - Standards for Use and Development - Issue 9 (a), (b) and (c) - Building Design (Height, Size, Appearance and Lighting)

6.16.1 Acceptable solution A.9.1 provides as follows:

The maximum building height is 3.5m and any building is not more than 1 storey.

The building is single storey and is 2.9m high. The acceptable solution is met.

6.16.2 Acceptable solution A.9.2 provides as follows:

Maximum floor area of any building is 100m^2.

The two containers have a combined floor area of 29.4m^2 and so the acceptable solution is met.

6.16.3 Acceptable solution A.9.3 provides as follows:

The colour of external walls and roofs visible from off the site is to have a light reflectance value of less than 10%. Roofs are to be clad with materials in non reflective, muted natural colours and dark tones. External lighting assists orientation only and is focused towards the ground.

The external walls will be non-reflective, clad in timber and painted dark tones of green. No external lighting is proposed. The acceptable solution is met.

6.17 Clause S1.6 - Standards for Use and Development - Issue 10 - Building Siting

6.17.1 Acceptable solution clause A.10.1 provides as follows:

All buildings are to be located at least 50m from any escarpment. All buildings to be sited on cleared areas of less than 6 degrees of slope. No buildings are to face on to or be directly visible from the Pinnacle Road at The Springs. No building is to be located within 30m of Pinnacle Road.

6.17.2 The shipping containers are visible from Pinnacle Road.

6.17.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.17.4 The performance criterion provides as follows:

Proposals for buildings facing on to or directly visible from the Pinnacle Road must show that there will be no diminution of values of the site either during the construction of the building or in its use and operation.

Buildings and structure (other than Park furniture or replacement of an existing building or structure of the same size and location) in prominent locations visible from within or outside of the Park, or identified as of High or Moderate Visual Sensitivity in Map 4 of this Management Plan, must be designed and sited to avoid, remedy or mitigate any loss of visual values through the inclusion of a Visual Impact Analysis conducted by a suitably qualified person.

6.17.5 The term Visual Impact Analysis is not defined in the Wellington Park Management Plan. A consultant planner's report has been lodged with the application which addresses visual impact analysis. A consultant planner is considered to be a suitably qualified person.

6.17.6 The containers will only be visible from certain view points, and in terms of visibility from Pinnacle Road, are mostly hidden behind trees and the curves in the road. It is more visible as you travel down the mountain. As discussed under 6.7 above, the structure is not considered to create a loss of visual values. The performance criterion is met.

6.18 Clause S1.6 - Standards for Use and Development - Issue 11 - Noise

6.18.1 Acceptable solution A.11.1 provides as follows:

Noise from any point sources must not exceed 50 dB(A) at any point within 50m of the source.

The Council's Environmental Development Planner has advised as follows:

The planning report submitted with the application states:

"Currently the café utilises a generator which is approximately 24m from

site of the container, and is located within a stone shed. Specifications for this generator are that it has a noise level of 52 dB(A) at 7m distance away. The noise is further decreased when located in a building (such as a stone shed) and when that distance is increased. Accordingly, the noise will not exceed 50dB(A) at any point within 50m of the generator."

It is considered very likely that the stone enclosure would reduce noise emissions from the generator to 50dB(A) or lower if the unenclosed noise level is 52dB(A) at 7m.

The acceptable solution is met.

7. Discussion

7.1 Planning approval is sought for New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development.

7.2 The application was advertised and no representations were received.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and the Wellington Park Management Plan and is considered to perform well.

7.4 The proposal has been assessed by other Council officers, including the Council's Environmental Development Planner, Senior Development Engineer, Manager Traffic Engineering and Park Planner. The officers have raised no objection to the proposal, subject to conditions.

7.5 TasWater indicated that they have no interest in the proposal.

7.6 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development at None The Springs Mount Wellington satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development at The Springs Mount Wellington for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-19-856 - THE SPRINGS MOUNT WELLINGTON TAS 7054 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The double swing doors at the end of the existing shipping container must remain closed at all times.

Reason for condition

To avoid damage to the bollards within the Council's road reserve.

ENV 14

Only locally-occurring native species may be used for the planter boxes unless the written consent of the planning authority is received.

Reason for condition

To minimise the spread of weeds.

ENV 15

All construction vehicles and machinery must be effectively cleaned of soil both before entering Wellington Park.

Soil cleaned from construction vehicles and machinery must not be allowed, either directly or indirectly, to enter waterways or the Council's stomwater system.

Note: Further information on effective measures for washdown can be found here.

Reason for condition

To minimise the spread of weeds and pathogens

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click here.

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

OPS s1

There must be no damage to roots within the Structural Root Zone of the yellow gums (*Eucalyptus johnstonii*) to be retained, as it could lead to public safety issues. If any roots over 40 mm in diameter within the Tree Protection Zone are encountered during excavation work, work must stop immediately. Work must not recommence until a stand-over arborist is present. The arborist must advise on how the works can proceed without having a significant impact upon any Root Zones of retained trees. If a significant impact is likely, works must not proceed without further approval from the Program Leader Arboriculture and Nursery at the City of Hobart.

No excavation is to occur beyond the proposed footprint of the new container. Excavation within the footprint of the new container is to be the minimum necessary to level the container. Back-filling with fine crushed rock between the sleepers is required.

The Protection of Trees on Development Sites Australian Standard AS 4970-

2009 is to be followed during works.

Reason for condition

Protection of public safety and natural values within Wellington Park.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's website for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click here for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993.*

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click here for more information.

PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click here for more information.

FOOD BUSINESS REGISTRATION

Food business registration in accordance with the *Food Act 2003*. Click here for more information.



(Liz Wilson)
Development Appraisal Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Cameron Sherriff)
Acting Manager Development Appraisal

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 8 January 2020

Attachment(s):

Attachment B - CPC Agenda Documents (use for committee reports)

Attachment C - Referral Officer Report (Environmental Development Planner)

City of HOBART

GMC-19-8

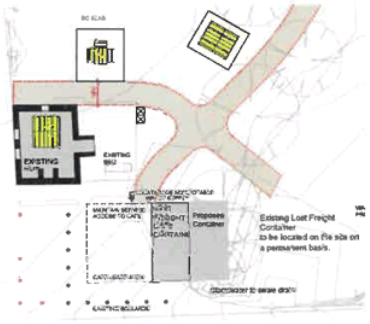
5 December 2019

MEMORANDUM: GENERAL MANAGER

REQUEST TO GRANT LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address:	**Lost Freight Café The Springs 100 pinnacle Road, Mount Wellington**
Description of Proposal:	**Installation and connection of an additional shipping container to rear of existing facility (permanent structure)**
Applicant Name:	**Megan Spillane**
PLN *(if applicable)*:	

The owners of the Lost Freight Café seek to install and connect an additional shipping container to the existing facility to provide additional space for the operation of the business.



A previous request indicated that the containers will be temporary structures. The proposal, for planning purposes, seeks approval as permanent structures.

The ongoing and future use of the structures will be governed by lease conditions.

It is the recommendation of Officers that the General Manager grant consent for the lodgement of a development application.

RECOMMENDATION

That pursuant to Section 52 of the Land Use Planning and Approvals Act 1993, the General Manager grant consent on behalf of the Hobart City Council as the owner/administrator of the land, located at the Springs, 100 Pinnacle Road, Mount Wellington to allow the applicant to make application to the City for a planning permit for the development involving the installation and connection of an additional shipping container to rear of existing Lost Freight Café facility and as per the attached documents.

(Glenn Doyle)
DIRECTOR CITY AMENITY

Approved / Not Approved

(N. D. Heath)
GENERAL MANAGER

Date: 5-12-19

Attachments Proposal



Lost Freight Stage 2

Development Application to Hobart City Council
Supporting Planning Report

2 December 2019

era PLANNING & ENVIRONMENT

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ABN 67 141 991 004

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Job Number: 1920-033

Document Status

Document Version	Date	Author	Reviewer
Final for Council and WMPT approval	26 November	Caroline Lindus	Mark O'Brien
Further Information for Council	2 December	Caroline Lindus	Mark O'Brien

Table of Contents

1 Introduction 1

1.1 Purpose of the Report 1

1.2 Subject Site and Surrounds 1

1.2.1 Site Description 1

1.3 Title Information 2

2 The Proposal and Context 3

2.1 The Proposal 3

2.2 Site Description 3

2.3 Servicing 4

2.4 Natural Values 4

2.5 Heritage Values 4

2.6 Photos 5

3 Planning Assessment 8

3.1 Statutory Controls 8

3.2 Hobart Interim Planning Scheme 2015 8

3.2.1 Biodiversity Code 8

3.3 Wellington Park Management Plan 9

3.3.1 Park Activity Assessment 9

3.3.2 The Springs Specific Area Plan 10

3.4 Use Standards 13

3.5 Development Standards 13

3.5.1 Flora & Fauna Conservation, Geoconservation & Natural Processes 13

3.5.2 Cultural Heritage 14

3.5.3 Hydrology 14

3.5.4 Landscape, visual quality and amenity 15

3.5.5 Environmental Hazards (b) Fire 16

3.5.6 Infrastructure Provisions 16

3.5.7 Construction Management 19

3.5.8 Wellington Park Infrastructure Design Manual 20

4 Conclusion 21

Appendix A Development Plans 22

Appendix B	Certificate of Title	23
Appendix C	Natural Values Report	24
Appendix D	Council Consent	25

1 Introduction

1.1 Purpose of the Report

ERA Planning and Environment has been engaged by Lost Freight to seek approval from the City of Hobart and the Wellington Park Management Trust for the placement of a shipping container at the Springs Site, to operate as an extension to the existing approved Lost Freight café.

The additional container will allow for slightly more space for the operation of the cafe and will result in an improved operational environment for the clients.

This report forms the basis of the application and has been prepared taking into account the provisions of the *Hobart Interim Planning Scheme 2015* (the *Scheme),* and the *Wellington Park Management Plan.*

Enquiries relating to this request can be directed to:

Caroline Lindus
Senior Planner
ERA Planning and Environment
183 Macquarie Street, Hobart TAS 7000
M: 0417 246 474
E: caroline@eraplanning.com.au

1.2 Subject Site and Surrounds

1.2.1 Site Description

The Springs site is an iconic location on Mount Wellington. It is currently one of the main links to key walking tracks on the eastern foothills of Mount Wellington and in addition to the existing Lost Freight café has a number of both formal and informal picnic areas. Visitor numbers to The Springs are consistently high throughout the year and it represents, at a statewide level, one of the most frequently visited locations within the state. Kunanyi (Mount Wellington) is Tasmania's third most visited attraction and most visited natural attraction, currently attracting 500,000 visitors per year. Within 10 years visitation to the mountain is projected to grow to 700,000[1] .

The Lost Freight Cafe currently operates from a section of the carpark at The Springs site. The proposed additional shipping container will be located directly behind, and will be conjoined to, the exist café.

The position of the container was carefully considered responding to the following constraints:

- Operational requirements in relation to ensuring proximity to the existing container;
- The need to minimise vegetation clearance;
- The need to minimise ground disturbance;
- Proximity to a feasible generator location;
- A desire to maintain the carparking numbers that currently exist;

[1] Milne, G. Visitor Services Manager, Parks and City Amenity, City of Hobart.

- The need to ensure that the container does not block sight lines to the existing picnic hut at the site;
- A requirement to not block a walking track that exits at The Springs, slightly to the south of the container location.
- A need to respond to and protect the cultural heritage values of the site;
- A need to minimise any adverse impact on existing uses at the site;
- A need to respond to the management objectives and conservation policies set out in The Springs Initial Conservation Policy (2007).



Figure 1: The Springs Site in Aerial View. (Source: Google Maps)

1.3 Title Information

The proposed application involves the following title which is found within Appendix B:

Address	Owner(s)	Title Reference	Existing land area
The Springs, Mount Wellington	Hobart City Council	CT 126375/1	382ha

2 The Proposal and Context

2.1 The Proposal

The development proposes to install an additional shipping container, located directly behind and conjoined to the existing container at The Springs. The existing shipping container was approved as a temporary structure. Separate to the necessary Planning approvals, the ongoing use of this container is controlled by Council's Bushland unit through relevant Council consent's and lease agreements. To that end, it is considered more appropriate that approval is sought to have the existing container there on a permanent basis, with its ongoing use managed by the landlord being the City of Hobart, instead of by Council as Planning Authority.

Accordingly whilst this does not change the existing container on site, it is requested as part of this application that the existing container is approved as a permanent structure.

The proposed container will operate as an extension to the existing small take away café to provide for the addition of a fridge/freezer, shelving and much needed additional space. The container will be ancillary and subservient to the existing approved use and will help provide a level of service in line with the current demand.

The new container will have a footprint of 14.7m^2 and will be painted in muted green colours, with timber accents, to match the existing container. The container will have a maximum building height of 2900mm, consistent with the existing container, however the last 310mm will include space for a planter box, which will be located above the new external door to the container. To respond to the harsh weather conditions and risk of vandalism, the container will be able to be completely closed overnight. The café will operate between the hours of 9am and 5pm, 7 days a week, weather permitting.

The container will be elevated approximately 100mm-150mm above natural ground level in order to make it level with the existing container. The container will be elevated through the construction of sleepers and backfilled with fine crushed rock.

The previous planning permit relating to the operation of the café (PLN-16-952) was for a temporary building. In particular, condition PLN s1 of the planning permit stipulated that the use and development was only approved until 24 October 2019 (The permit has since been amended to enable operation until February 2020). It is intended, with this application, to request that the café operates indefinitely and that controls in relation to time frames and lease agreements are dealt with between the leaseholders, City of Hobart as landlord and the Wellington Trust and the proprietors of the business. This is a more appropriate mechanism for the control of lease agreements than through the land use planning system.

No additional signage is proposed as part of this application.

2.2 Site Location

The proposed location is relatively flat and currently accommodates the existing Lost Freight café container, a picnic shelter, a toilet block, a number of less formal picnic areas with tables and seating, and car parking. Whilst The Springs site is a frequently visited destination in its own right, it is also a main transition point for walking and multi-use trails coming through and leaving from the site. In addition, on occasions of significant snow falls, The Springs site is often the point at which the road is closed, and people congregate to walk further up the mountain, or to enjoy the snow in this location.

2.3 Servicing

The site is not serviced by reticulated services. There is no water connection to the existing container, nor is a water connection proposed for the new container. There are public toilets at The Springs site which are utilised by the visitors to the existing container. No other toilets will be provided as part of the works.

The operation of the existing container sees all water and other requirements brought to the site, and likewise any waste, be it fluid or rubbish, removed from the site each day. This will be the case for the proposed container as well.

The stormwater connection for the existing container is to the kerb and channel on the edge of Pinnacle Road, which was considered adequate given the small roof area of the structure. The stormwater from the proposed container will be disposed of via the same means.

The site does not have an electricity connection. The existing container utilises a generator, located approximately 25m away, which is housed in a small stone shed with the agreement of the City of Hobart. It is intended that the proposed container will operate in the same way using the generator in the shed. Currently the container is connected to the generator by an overhead power connection with line and supports that are matt black in colour, in order to minimize any visual intrusion.

2.4 Natural Values

The position of the existing container was chosen, in part, to minimise the impacts on natural values. The existing container is located on a gravel car park section, with an area to its north which is used for semi-formal outdoor seating, also within the carpark. This is all within the lease agreement with the City of Hobart. The proposed container will be located directly behind the existing container, to the south east on a grassed area that contains 3 trees. The Natural Values Determination undertaken by North Barker ***(refer Appendix C)*** has commented with regards to the proposed location that '*much of the area has already been severely disturbed, and the existing ground cover is species poor with few native species. The placement of a container is likely to have a less severe impact than a built structure. The design and location of development are therefore considered to minimize impacts.*'

The development will require the removal of 3 trees on the site. The site is covered by the Biodiversity Protection Area Overlay associated with the Biodiversity Protection Code. This Code only applies when development involving clearance and conversion or disturbance of native vegetation occurs. As such, the Code will apply. The Natural Values Determination comments that '*The dominant tree on the site is Eucalyptus johnstonii (yellow gum). Three relatively small yellow gums will require removal: these are 36, 34, and 23 cm diameter at breast height (DBH) with a canopy of ~10 m. Given the trees are relatively young, and the prevalence of yellow gums in the area, the loss of three trees is not considered significant. The container would be in an area that is already partially disturbed, the impact of the container is likely to have a less severe impact than a built structure.*'

2.5 Heritage Values

The site itself is not listed within the Historic Heritage Code of the Scheme.

2.6 Photos



Photo 1: View of the front of the existing Lost Freight café, when heading down Pinnacle Road.



Photo 2: Side view of the Lost Freight café looking towards Pinnacle Road.



Photo 3: Side view of the existing container from Pinnacle Road, showing the 3 trees that are proposed for removal.



Photo 4: View of the rear of the container, showing the existing overhead electrical arrangement and the 3 trees that are proposed for removal.

3 Planning Assessment

3.1 Statutory Controls

The subject site is zoned Environmental Management under the *Hobart Interim Planning Scheme 2015* (the *Scheme)* and the assessment of applications within Wellington Park are considered under the Wellington Park Specific Area Plan pursuant to Clause F3.2.2 which reads:

Notwithstanding any other provision of this planning scheme, any use or development of land in Wellington Park must be undertaken in accordance with the provisions of the Wellington Park Management Plan.

As such all development assessment is against the Wellington Park Management Plan, unless there are provisions elsewhere in the *Scheme* that are not considered by the Management Plan.

3.2 Hobart Interim Planning Scheme 2015

3.2.1 Biodiversity Code

The proposed development is subject to the *E10.0 Biodiversity Code* pursuant to the *Scheme.*

A Natural Values Determination was undertaken by North Barker Ecosystem Services, which provided comment on the potential impact to Natural Values ***(refer Appendix C).***

The following Clause is relevant to the proposal:

E10.7.1 Buildings and Works.

Objective:

To ensure that development for buildings and works that involves clearance and conversion or disturbance within a Biodiversity Protection Area does not result in unnecessary or unacceptable loss of priority biodiversity values.

North Barker has made the following comments with regards to the above objective:

'Given the limited extent and small impact of the proposal on biodiversity values, it is not likely the losses will be viewed as unnecessary or unacceptable; accordingly, the project is consistent with the objective.'

The proposal does not meet the Acceptable Solution A1 of Clause *10.7.1 Buildings and Works* and therefore must be assessed against Performance Criterion P1, which reads as follows:

Clearance and conversion or disturbance must satisfy the following:

(a) if low priority biodiversity values:

(i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;

(ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;

The above Performance Criterion has been addressed and North Barker have determined that the natural values in the proposed area qualify as Low Priority Biodiversity Values as per Table E10.1 in the Scheme.

North Barker have made the following comments:

'The container backs directly onto the other container in an area that is already partially disturbed; so, the footprint is minimised, and disturbance is limited to three small trees (all < 40 cm DBH) with an additional two potentially impacted. The placement of a container is likely to have a less severe impact than a built structure. The design and location of development are therefore considered to minimize impacts.

No bushfire hazard management measures are required for this proposal.'

It is therefore considered that the proposed development is in accordance with the Performance Criterion at P1.

3.3 Wellington Park Management Plan

3.3.1 Park Activity Assessment

Discussions with the Wellington Park Management Trust determined that the application would require consideration through a Level 2 Parks Activity Assessment (PAA). The Permit issued by the Wellington Park Management Trust can be found in *Appendix E*.

Sections 7 and 6, Table 2 must be addressed and consideration must be given to how the development could provide additional desirable facilities for visitors in accordance with S1.1.4 of the Management Plan. Consideration was also given to the *Wellington Park Design and Infrastructure Manual 2007*.

In addition, further advice was given that the following further issues in S1.1.4 of Chapter 8A of the Wellington Park Management Plan will need to be addressed:

1. *Protection and conservation of cultural heritage and respect for the historic associations of those items and aspects;*

The proposed construction methodology has been chosen as a response to the fact that the shipping containers are not permanent structures, but also to minimise any ground disturbance. This was considered critical to ensure that the establishment of the container did not require the extensive excavation and therefore should avoid disturbance of any cultural heritage sites of significance.

2. Minimisation of any adverse impact on existing uses, activities and experiences;

The proposed duplication of the container will not result in a change in existing uses, activities or experiences on site. The establishment of the original shipping container at The Springs has been a great success with business at the site based on sales of product increasing by 175-250%. This success has led to the need for additional space provided by the second container. However, it will not result in any adverse impacts through changing in use of the site, or how the broader community experiences it.

3. Compliance with relevant Wellington Park strategies and guidelines.

As considered within this report, the application is considered to comply with the relevant Wellington Park Strategies and guidelines.

3.3.2 The Springs Specific Area Plan

The Springs Specific Area Plan is the most relevant aspect of the Wellington Park Management Plan requiring consideration. The purpose of this plan is as follows:

S.1.1.2

Maintain and enhance the following values of The Springs Specific Area and the Park:

- *The Springs as a place within Wellington Park, is identified for visitor facilities, visitor information and Park interpretation. This is focused in particular on recreational and visitor services for those both actively using the Park for activities such as walking and mountain biking and those engaged in more passive recreational activities.*
- *The opportunities for recreation and quiet enjoyment by all users.*
- *The cultural heritage and social values of the area.*
- *The natural values associated with natural vegetation, habitats, avian, aquatic and terrestrial fauna.*
- *The visual amenity of the eastern face of Mount Wellington.*
- *The quality of all surface and sub surface water in the vicinity of The Springs and all water courses in the catchment of North West Bay River and Hobart Rivulet.*

The development represents an excellent opportunity to enhance the visitor facilities and information at an established visitation site. The operation of the Lost Freight café has demonstrated a need in the broader community for facilities to be located at The Springs, and the assistance the staff of the café provide in terms of Park information and maps, has been welcomed. The feedback has been overwhelmingly positive. The proposed container will expand on the existing visitor facilities at The Springs, which will provide facilities for both active and passive recreational activities.

The location of the existing shipping container was carefully considered to ensure it enhances the broader use of the Springs site, whilst minimising visual impacts and maintaining the cultural heritage and social values of the area. The location of the proposed container, directly behind and conjoined to the existing container, will ensure that its visibility will be minimised from both The Springs area and Pinnacle Road. The container will not impinge on access to any tracks, or any open space and associated facilities. There will be no impact on water catchments as all waste will be captured on site and removed. The Natural Values Determination has commented that 'the scale of the impact is such that there will be no impact to the surface and sub surface water in the vicinity.'

In addition, the Natural Values Determination has commented that:

'The natural values of the proposed impact area are limited to the removal of three trees (with potential impact to a further two). The area where these trees are located is already somewhat degraded, and the removal of these trees does not substantially erode the natural values in the area.

Given the size, height and form of these trees, and their location (i.e. adjacent to a café), they offer limited habitat for fauna and their removal is unlikely to have a notable tangible impact of any sort.'

The development as proposed is considered to comply with the purpose of the Springs Specific Area Plan in this regard.

S.1.1.3

Facilitate environmentally and economically sustainable development at The Springs in the following ways:

- *Support the use of land in areas with demonstrated capability for development in a manner that ensures that the values and resource base is not degraded and is available for use by future generations.*
- *Recognise the special location and environment of The Springs while providing for development and use that does not cause degradation, loss or damage of resource and which does not adversely impact upon natural, biological and physical processes.*
- *Ensure that development does not create demands for public investment in physical infrastructure that imposes financial burdens on existing and future generations.*
- *Provide opportunities for people of all ages, social and economic group to benefit from the values and use and development of the area.*
- *Maintain important scenic and visual components of the landscape for future generations.*
- *Ensure that there is no adverse affect on geoheritage, and native flora and native fauna habitat values.*
- *Ensure there is no adverse affect on natural bushland (including through the spread of introduced flora), bogs, recharge basins, and waterways.*
- *Ensure that use and development acts to maintain and enhance the quality of all surface and sub surface water in the vicinity of The Springs and all water courses in the catchment of Hobart Rivulet.*
- *Protect the cultural heritage of The Springs and ensure that places of cultural significance are conserved for the benefit of the present community and future generations; including as set out in The Springs Initial Conservation Policy or as subsequently amended by the Trust.*

The development is both environmentally and economically sustainable. It is a structure which is able to be easily removed at the expiration of any lease with Council or for other reasons. Its location directly behind the existing container will ensure that it will not cause degradation, or loss or damage of resources and does not adversely impact upon natural, biological and physical processes.

The Natural Values Determination has commented that:

'The removal of three trees (with potential impact to a further two) will not notably degrade the natural values at the site. No salient natural biological or physical processes at the site are considered at risk with the removal of these trees.

The scale of the impact is such that bushland at the Springs will not be notably impacted. Any processes requiring earthworks and heavy machinery should be done in accordance with weed and hygiene management protocols.

The scale of the impact is such that there will be no impact to the surface and sub surface water expected in the vicinity.'

Likewise, there will be no additional public investment required, the cafe will simply serve those that visit the Springs and the mountain more broadly, already. There are no specific sites of Cultural Heritage where the container will be located. However, it is the proponent's intention that while the container is being established on site, opportunities are provided for the Wellington Park Management Trust's heritage adviser to inspect the site to ensure no items of significance are damaged.

S1.1.4

Ensure that development at The Springs:

- *Provides for a range of desirable services and facilities, together with adequate and appropriate supporting infrastructure, in accordance with this Management Plan.*
- *Is compatible with and subservient to the needs and interest of current and future users of Wellington Park and the wider community of the Hobart Region.*
- *Minimises any adverse impacts upon existing uses, activities and experiences;*
- *Protects and conserves items and aspects of Aboriginal and European heritage and respects the historic associations of those items and aspects.*
- *Is of high architectural quality and of a type, location, scale, form, size and bulk that is compatible with the environmental, landscape, visual, aesthetic, historic and other cultural heritage values of Wellington Park.*
- *Provides suitable traffic and parking measures which do not conflict with the use of the site for public recreation and quiet enjoyment by Visitors.*
- *Provides for access to The Springs and to other parts of the Park in a manner that meets the needs of public users and so as not to cause environmental degradation of any area.*
- *Provides a safe environment for workers and visitors to The Springs.*
- *Complies with all relevant Wellington Park strategies and guidelines.*

The proposed shipping container is entirely compatible with the use of the Park in this area. It provides an ancillary and subservient use that is much needed in order to support the existing café, which is considered a desirable service to the members of the broader community and tourists alike to purchase refreshments while they're enjoying their visit to the Park.

It will have no adverse impact upon existing uses.

It is of an architectural style that is utilitarian in nature, with simple clean lines. Its small size, colour scheme and the use of wood on the external façade ensure it is designed to blend with the surrounding landscape and it will site appropriately within the broader landscape, particularly considering its positioning in an established area.

The container will only be visible from the immediate surrounding areas. Views travelling up and down Pinnacle Road will be obscured due to the existing container, existing vegetation and the alignment of the road. Due to its

size, location, proposed colour scheme, the use of wood on the external façade and the avoidance of clearance of vegetation, it will also not be visible from more distant locations including The Pinnacle.

3.4 Use Standards

Table S1.5 of the Wellington Park Management Plan specifies allowable uses on the site. The proposed development is a Food Services use which is discretionary within the Springs Specific Area.

3.5 Development Standards

Section S1.6 includes Standards for Use and Development.

The following development standards are considered relevant to the assessment of the proposal:

3.5.1 Flora and Fauna Conservation, Geoconservation and Natural Processes

Issue 2: Flora and Fauna Conservation, Geoconservation and Natural Processes

Objective: To conserve flora, fauna, geological and geomorphological values and to protect natural processes.

A2.1 Native Vegetation

The proposal does not involve removal or damage to terrestrial or aquatic native vegetation which:

(a) Is listed as significant in this Management Plan, or any planning strategy or Trust endorsed scientific assessment prepared in accordance with this Management Plan; or is a Threatened Vegetation Community under the Nature Conservation Act 2002.

(b) Supports or forms habitat for any species of fauna listed in the Threatened Species Protection Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999.

The Natural Values Determination has established the following:

'Acceptable Solution A2.1 can be met as the vegetation is not significant or threatened (so does not qualify for A2.1(a) and does not support habitat for threatened fauna (A2.1(b)).'

A2.2 Threatened Species

The proposal does not impact upon any threatended species listed under the Threatended Species Protection Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999.

The Natural Values Determination has established the following:

'Acceptable Solution A2.2 can be met as no threatened species will be impacted.'

A2.3 Geoheritage

The proposal does not impact upon any sites which are listed as significant in this Management Plan or in a Trust endorsed scientific assessment or listed on the Tasmanian Geoconservation Database.

Complies. There will be no impact on sites of geoheritage significance.

3.5.2 Cultural Heritage

The Springs site falls within the territory of the Mouheneer band of the Southeast Tribe of Aboriginal people. The mountain generally was known as Kunanyi. Aboriginal use of the site has had limited research and documentation although it is understood the mountain was regularly used by the Indigenous tribes.

The Springs site has been a focus of European historic activity since settlement as a source of clean water and a base for visitors for recreational and nature appreciation activities.

Refreshments and accommodation for visitors have been provided at various times since 1859, with 1907 seeing the building of the Springs Hotel to promote tourism in Tasmania. It operated until it was burnt in the 1967 bushfires, which burnt out much of The Springs area.

The broader Springs site is considered to have high cultural significance as a highly visited and valued area of public open space. Specific sites with state level cultural significance include the 1831 Diversion, the Exhibition Gardens, the Springs Hotel and Pinnacle Road (McConnell 2007).

The site where the works are proposed is considered to be the Picnic Ground and Toilets Zone with modest significance (Level 1). The standards on Cultural Heritage found within the Management Plan are as follows:

Issue 3: Cultural Heritage

Objective: To protect sites or areas of cultural value and significance.

A3.1 Aboriginal Cultural Heritage

Use or development does not involve an Aboriginal relic as defined under the Aboriginal Relics Act 1975, or Aboriginal heritage site or precinct identified in accordance with this Management Plan.

The development will not involve an Aboriginal relic. Complies.

A3.2 Historic Heritage

The proposal does not involve a place listed on the Tasmanian Heritage Register under the Historic Cultural Heritage Act 1995; or listed in a Heritage Code of a Planning Scheme.

The Springs site is not listed under the *Historic Cultural Heritage Act 1995*, nor is it listed in the Historic Heritage Code of the *Scheme*. Complies.

3.5.3 Hydrology

Issue 4: Hydrology

Objective: To maintain the biological and physical quality of all surface and subsurface hydrological systems at existing ambient standards.

A4.1

Use and development (including vegetation removal) will not occur within 40m of the boundary of a water course, bog, recharge basin shown on Map S2 Hydrology. There is no acceptable solution for use or development within the Drinking Water Catchment boundary as shown on Map S2 Hydrology.

The development is not within 40m of the boundary of a watercourse, a bog, recharge basin or the Drinking Water Catchment Boundary as shown on Map S2 Hydrology.

A4.2

In the remaining areas of The Springs, use or development involves no extraction of water from any water body, wetland or watercourse expect for use in fire fighting or carrying out planned burns in accordance with a bushfire management strategy prepared in accordance with this Management Plan.

The development complies with this requirement. No water will be extracted on site and all waste water will be taken away from the site.

3.5.4 Landscape, visual quality and amenity

Issue 5: Landscape, visual quality and amenity

Objective: To protect and enhance the landscape and visual quality of Wellington Park.

A5.1 Visual Sensitivity

The proposal does not involve a new building or structure, apart from Park furniture or Park signs.

The development will involve a new structure and as such must be assessed against the performance criteria.

P5.1 Visual Sensitivity

New buildings and structures (other than Park furniture or replacement of an existing building or structure of the same size and location) in prominent locations visible from within or outside of the Park, or identified as of High or Moderate Visual Sensitivity in Map 4 of this Management Plan, must be designed and sited to minimise or remedy any loss of visual values or adverse impacts on the visual character of the affected area.

Note: Satisfaction of this Performance Criterion may include a Visual Impact Analysis, prepared by a suitable qualified person, demonstrating how the building or structure can be designed and located to harmonise with the site.

The container will only be visible from the immediately surrounding area. Views travelling up and down Pinnacle Road will be obscured due to existing container, vegetation and the alignment of the road. Due to its limited size, proposed colour scheme and the use of vertical timber on the exterior of the container, it will also not be visible from more distant locations including The Pinnacle.

While the container will be a new visual element within the immediate area which is considered to be an area of High Visual Management Sensitivity, it is identical to the previously approved container and will be located such that it is even less visible than the existing container. Both of the containers are not permanent structures and are providing a solution to the need for visitor services until such time that the issue of the redevelopment of The Springs site has been resolved, most likely through a Masterplan.

While the nature of a shipping container means that the structure is utilitarian in nature and does not have a consistent design in terms of roof form as the existing huts, the overall bulk is equal to the existing. Other potential design solutions have been investigated however other solutions necessarily involve far greater levels of ground disturbance through the construction of footings which results in permanent disturbance of the site.

External design treatments are proposed to the shipping container as well as a colour scheme designed to blend with the background vegetation. Taking into account the overall bulk of the building and the proposed materials and colours it is considered that the shipping container will not be an overwhelming dominant visual element and is considered to result in an acceptable visual impact.

3.5.5 Environmental Hazards (b) Fire

Issue 6: Environmental Hazards – (b) Fire

Development of new or modified buildings must be in accordance with section E1.6.3, E1.6.4 and E1.6.5 of Planning Directive No 5 (Bushfire Prone Areas Code).

The Code does not apply to development of this nature. Complies.

3.5.6 Infrastructure Provisions

Issue 7: Infrastructure Provision – (b) Water

Objective: To ensure that adequate high quality drinking water supplies are available to all users of The Springs.

A7.6 Water Supply

The use and development does not require a supply of drinking water.

The development will not require a supply of drinking water as all water will be brought to the site. Complies.

Issue 7: Infrastructure Provision – (c) Sewerage

Objective: To ensure that facilities provided for the treatment and disposal of sewerage are sufficient to meet the needs of the development and do not result in the loss of water quality or cause environmental harm.

A7.7 Sewerage

The use and development does not require sewerage facilities

The development will not require sewerage facilities. Public facilities are located nearby and can be utilised by the general public as required. Complies.

Issue 7: Infrastructure Provision – (d) Stormwater

Objective: To ensure that stormwater runoff does not result in the loss of water quality or cause environmental harm.

E7.8 Stormwater

The design and construction of stormwater systems complies with Australian Standard 3500.3.2:2003, and does not drain into the Drinking Water Catchment area.

The development does not drain into the Drinking Water Catchment Area. As previously discussed in Section 2.3, the development will drain into the existing Council dish drain on the side of the road as per the existing container. Given the small roof area, this is considered an appropriate response.

A8.1 Car Parking Provisions

The use and development does not require car parking.

No car parking specifications are provided within the Wellington Park Management Plan. Accordingly, reference is made to Council's Parking and Access Code which specifies that for Food Services, 15 parking spaces are required for each 100m^2 of floor area, or 1 space for each 3 seats, whichever is the greater.

The proposed development has a footprint of less than 15m^2. No parking is provided specific to this development and as such the performance criteria must be considered.

P1

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

(a) Car parking demand;

(b) The availability of on-street and public car parking in the locality;

(c) The availability and frequency of public transport within a 400m walking distance of the site;

(d) The availability and likely use of other modes of transport;

(e) The availability and suitability of alternative arrangements for car parking provisions;

(f) Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;

(g) Any car parking deficiency or surplus associated with the existing use of the land;

(h) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;

(i) The appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;

(j) Any verified prior payment of a financial contribution in lieu of parking for the land;

(k) Any relevant parking plan for the area adopted by Council;

(l) The impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;

(m) Whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.

The proposed development is very small scale in nature. The discussions held with Council officers as Land Managers and the Wellington Park Management Trust indicated that parking would not be required to be provided for this development for a range of reasons including:

- Car parking is provided at the Springs area in a number of locations. This parking is public and is adequate to service this development also;
- Given the size of the development – the parking short fall, whilst technically could be considered on the 100m^2 footprint, should more realistically considered as a percentage of this which is more like one sixth of the 15 spaces required for 100m^2. This would result in 3.5 spaces (or rounding it up to 4 spaces) as a shortfall;
- The provision of further parking in the broader Springs Area must occur strategically taking into account visual impacts, traffic issues, and the scale of works necessary. Providing parking in an ad hoc fashion for what is a temporary use, is unsustainable and inappropriate;

- The proposed development is unlikely to attract people to the site for refreshments only. The clientele for this business will be from users of Mount Wellington whom are already required to be catered for in the parking provided on the mountain. There will be no increase in parking demand from this development specifically;
- The provision of parking could result in an impact on cultural heritage values and natural values with a possible need to remove more vegetation or undertake further works. This would be an undesirable outcome.

Given the above, the development is considered to be acceptable against the Performance Criterion.

Issue 9: Building Design – (a) Building Height

Objective: To ensure that buildings do not cause visual intrusion due to excessive height.

A9.1 Building Design

The maximum building height is 3.5m and any building is not more than 1 storey.

The development is single storey and has a maximum height of 2.9m. Complies.

Issue 9: Building Design – (b) Building Size

Objective: To ensure that buildings are of a size and dimensions that fits in with the overall nature of low key development of The Springs.

A9.2 Building Size

Maximum floor area of any building is 100m².

The building has a maximum floor area of 14.7m², with a combined floor area with the existing container of 29.4m² . Complies.

Issue 9: Building Design – (c) Appearance and Lighting

Objective: To ensure that buildings are of a size and dimension that fits in with the overall nature of low key development of The Springs.

A9.3 Appearance and Lighting

The colour of external walls and roofs visible from off the site is to have a light reflectance value of less than 10%. Roofs are to be clad with materials in non-reflective, muted natural colours and dark tones. External lighting assists orientation only and is focused towards the ground.

The proposed external building materials will be in non-reflective, muted natural colours and dark tones including dark greens and timber cladding. No external lighting is proposed. Complies.

Issue 10: Building Siting

Objective: To ensure that buildings are located in areas where they do not cause a reduction in the values associated with The Springs.

A10.1 Building siting

All buildings are to be located at least 50m from any escarpment. All buildings to be sited on cleared areas of less than 6 degrees of slope. No buildings are to face on to or be directly visible from the Pinnacle Road at The Springs. No building is to be located within 30m of Pinnacle Road.

The building will be located on a cleared area of less than 6 degrees of slope and will be located at least 50m from any escarpment.

The development will however be visible from Pinnacle Road at The Springs, and will be within 30m of Pinnacle Road. As such the Performance Criteria requires consideration, which states:

P10.1 Building Siting

Proposals for buildings facing on to or directly visible from the Pinnacle Road must show that there will be no diminution of values of the site either during the construction of the building or in its use and operation. Buildings and structure (other than Park furniture or replacement of an existing building or structure of the same size and location) in prominent locations visible from within or outside of the Park, or identified as of High or Moderate Visual Sensitivity in Map 4 of this Management Plan, must be designed and sited to avoid, remedy or mitigate any loss of visual values through the inclusion of a Visual Impact Analysis conducted by a suitably qualified person.

This structure is located in an area of high visual sensitivity in Map 4 of the Management Plan and as such the visual impact must be carefully considered.

It was found that the structure is only visible from certain viewpoints. It will not be highly visible from the Pinnacle or from other tracks around the mountain. It will not be visible as you travel up the mountain as it is tucked behind an existing stand of trees. It will only be visible at certain points as you travel down the mountain on Pinnacle Road as it will be tucked in behind the existing container. Its small scale, location in an area with established other buildings and uses, and its muted colours and use of timber cladding, ensure that there will be no loss of visual values through its location.

Issue 11: Noise

Objective: To provide for the quiet enjoyment of natural and cultural values, and acoustic amenity of the Park.

A11.1

Noise from point sources must not exceed 50dB(A) at any point within 50m of the source.

Currently the café utilises a generator which is approximately 24m from site of the container, and is located within a stone shed. Specifications for this generator are that it has a noise level of 52 dB(A) at 7m distance away. The noise is further decreased when located in a building (such as a stone shed) and when that distance is increased. Accordingly, the noise will not exceed 50dB(A) at any point within 50m of the generator.

3.5.7 Construction Management

There is no intention to provide a formal hardstand surface or any other permanent works. However, the container will need to be built up on site through the provision of minor works. This ground disturbance is not considered to be extensive and will include elevation of the container through the construction of sleepers and placement of compacted gravel as required, in order to ensure the proposed container is elevated to the height of the existing container, which is located above ground level.

Whilst a desk top analysis does not highlight any sites of cultural significance, nor does it identify the site as being individually heritage listed, it is understood that during the ground works phase, inspections may be necessary to be undertaken by Wellington Park's Cultural Heritage Officer to ensure no archaeological values are diminished by the works.

Other construction management requirements include ensuring the container is cleaned of any potential soil contaminants and ensuring the necessary road opening permits are obtained in the event of the road requiring closer whilst the container is put into place.

Our clients are comfortable with a detailed Construction Management Plan being required as a condition of approval.

3.5.8 Wellington Park Infrastructure Design Manual

The Wellington Park Infrastructure Design Manual provides an indication of the requirements for the various types of construction and works. This includes guidelines for construction of tracks, signage, BBQs, chicanes and so on. Much of what the design manual addresses, is not proposed as part of this application.

The most relevant elements of this application are:

- The works are located at the Springs Zone which as an area has been identified as the first locational priority for facilities within the Park. The application is completely consistent with this.
- The works are co-located with the existing container and are a similar design and aesthetic to ensure that there is limited visual clutter and there will be no intrusion of buildings into the skyline of the summit. The use of plantings and timber elements will ensure the structures harmonize with the surrounding environment.
- No excavation to occur to minimise impacts upon the cultural heritage values.
- The removal of vegetation is minimal and is supported by a Natural Values Determination confirming that the trees to be removed are not threatened or endangered species.
- There will be no impact upon existing shelters or seating at The Springs site.
- There will be no impact upon water reticulation systems on site.

4 Conclusion

The development is for a shipping container to be located directly behind and conjoined to the existing café at The Springs. The existing cafe at the site has been very well received by the community and tourists. It has been well supported by both Council and Wellington Park Management Trust as a way to activate The Springs further and provide much needed visitor facilities.

For the operators of the cafe, this has been a successful venture, however given the popularity and visitor numbers that frequent the café it is deemed necessary to expand the floor area in order to successfully operate the business, and to meet customer demand.

The installation of an additional container on the site has a number of benefits. These include:

- The container has been designed to withstand the challenging weather conditions, and likelihood of vandalism which are recognised challenges in the Park;
- It provides much needed additional space to the café and in turn the ability to meet the high demands placed upon the café by tourists and the community alike;
- It provides improved visitor services, which is critical to Wellington Park, through provision of refreshments, as well as information about the Park;
- It is not a permanent structure, and no footings/foundations will be laid, so in the event of other developments being approved at the broader Springs site, this can easily be removed;
- It involves minimal earth works and no impact on known heritage sites.

The container will be barely visible from Pinnacle Road when driving south, due to it's location behind the existing container, similarly it will be barely visible when driving north, or from other parts of Wellington Park. The proposed colours scheme and materials including muted greens and timber finishes ensures it will blend in with its surrounds.

Discretions are requested in relation to car parking and biodiversity. The operation of a cafe itself will not attract people to the mountain, rather provide facilities to those that are already using the mountain. Given this, there is not anticipated to be any further traffic generation from the operation of the cafe on the site, and thus no additional impacts on parking. In addition, it is considered preferable that parking at The Springs is provided in a strategic fashion, and to provide additional parking to respond to this development alone, would result in ad hoc outcomes which would be detrimental to the Park. The Natural Values Determination has concluded that the container would be in an area that is already partially disturbed, and disturbance is limited to 3 small trees. The impact of the container is likely to have a less severe impact than a built structure. Therefore, the container is designed and located to minimise impacts in accordance with Performance Criteria P1 of Clause E10.7.1 of the Biodiversity Code.

Appendix A Development Plans

Appendix B Certificate of Title

Appendix C Natural Values Report

North Barker, Natural Values Assessment

Lost Freight Stage 2
Development Application to Hobart City Council
Supporting Planning Report

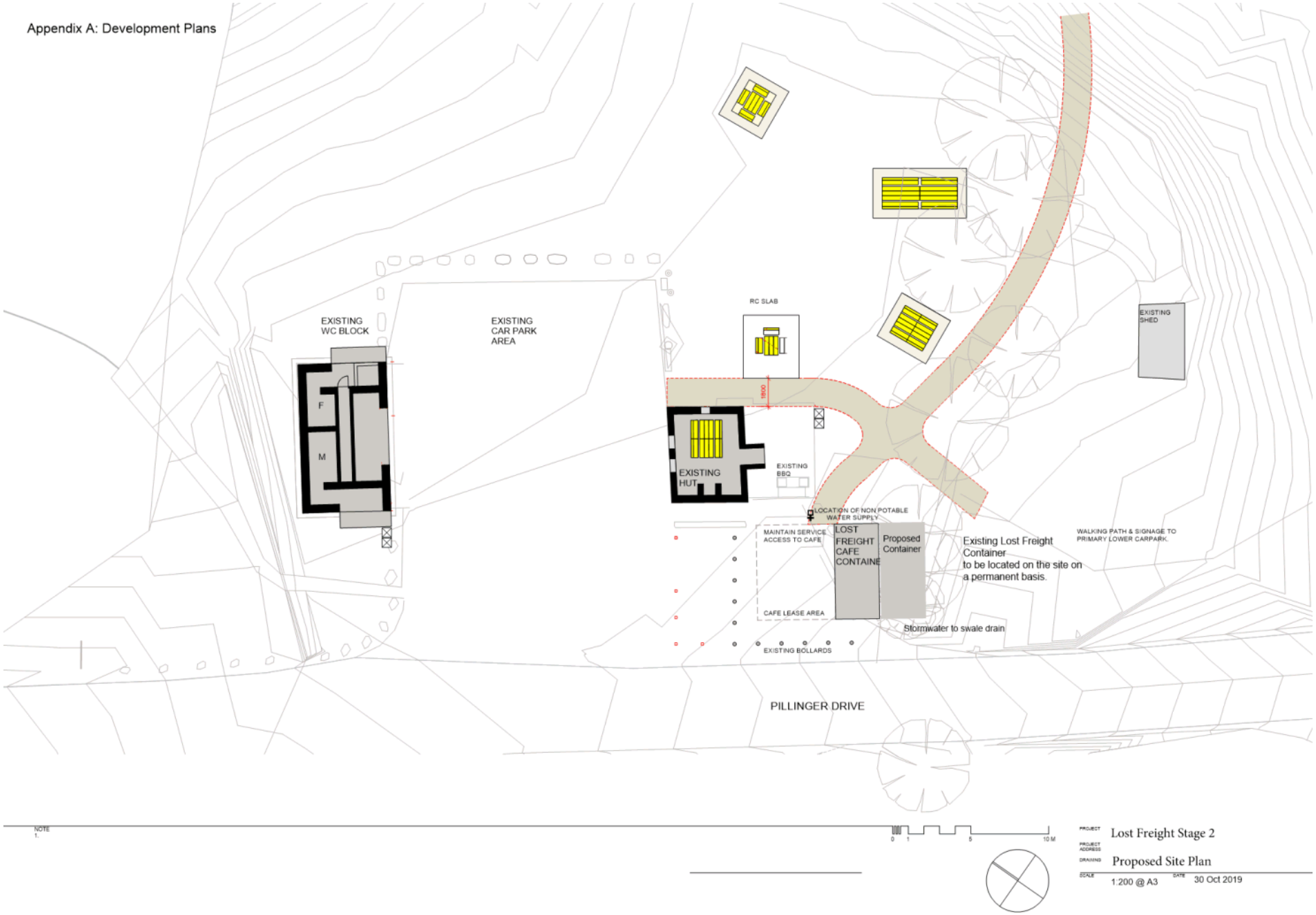
Appendix D Council Consent

Appendix E Wellington Park Management Trust Permit



183 Macquarie Street, Hobart
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W: www.eraplanning.com.au

Appendix A: Development Plans

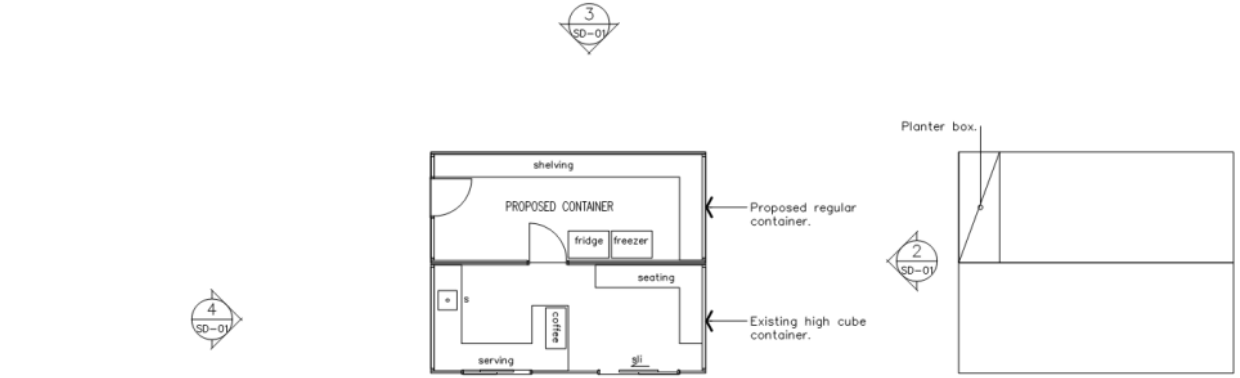


NOTES

All works to comply with the NCC and current Australian standards.

LEGEND

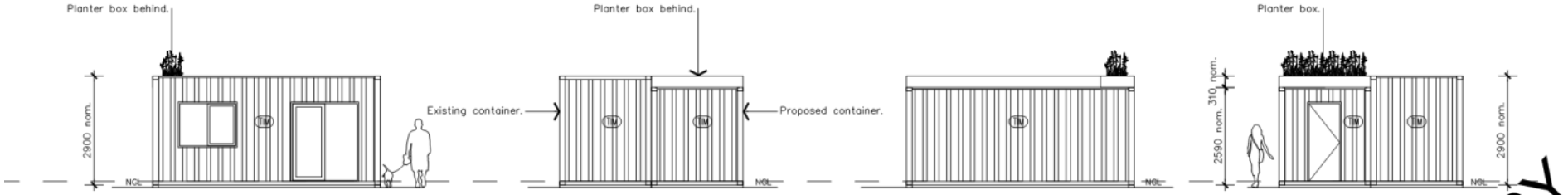
TIM Paint finish to container, 'pale eucalyptus'.
Timber batten overlay to alternating corrugations. Product to be selected.



FLOOR PLAN 1:100

1 SD-01

ROOF PLAN 1:100



1 SD-01 ELEVATION 1:100

2 SD-01 ELEVATION 1:100

3 SD-01 ELEVATION 1:100

4 SD-01 ELEVATION 1:100

PRELIMINARY

www.aka-architects.com.au	Andrew 0408 634 822 andrew@aka-architects.com.au Kyle 0429 948 972 kyle@aka-architects.com.au	ANDREW KERR CC 6568	CHRIS & MEGAN SPILLANE	'LOST FREIGHT' CAFE KUNANYI, HOBART	FLOOR PLAN & ELEVATIONS	1:100 @ A3	KH / AK DB / CB	7.09.2019	SD-01
	Contact	Accredited Designer	Client	Project	Drawing	Scale		Rev Date Issue	Drawing No.

The Contractor shall verify job dimensions prior to commencing work. Figured dimensions take precedence over scaled work. © No part of this drawing shall be reproduced without the prior written consent of AKA.

RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Appendix B: Certificate of Title

Tasmanian Government

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
126375	1
EDITION	DATE OF ISSUE
1	26-Nov-1996

SEARCH DATE : 28-Oct-2019
SEARCH TIME : 01.18 PM

DESCRIPTION OF LAND

City of HOBART
Parish of KINGBOROUGH, Land District of BUCKINGHAM
Lot 1 on Plan 126375
Being the land described in Part VII of Schedule 7 of the Hobart Corporation Act 1947
Excepting thereout Folio of the Register Volume 121202 Folio 2
Derivation : Part of Mountain Park vested in the Hobart City Council 21 Geo. V No.64
Derived from A16835

SCHEDULE 1

HOBART CITY COUNCIL

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

FILE NUMBER A.16835

GRANTEE

PART OF MOUNTAIN PARK VESTED IN THE HOBART CITY COUNCIL 21 GEO. V. No 64

CONVERSION PLAN

LOCATION CITY OF HOBART & BUCKINGHAM - KINGBOROUGH

CONVERTED FROM SCHEDULE 7, OF THE HOBART CORPORATION ACT 1947.

NOT TO SCALE LENGTHS IN METRES

REGISTERED NUMBER P126375

APPROVED 12 NOV 1996

Recorder of Titles

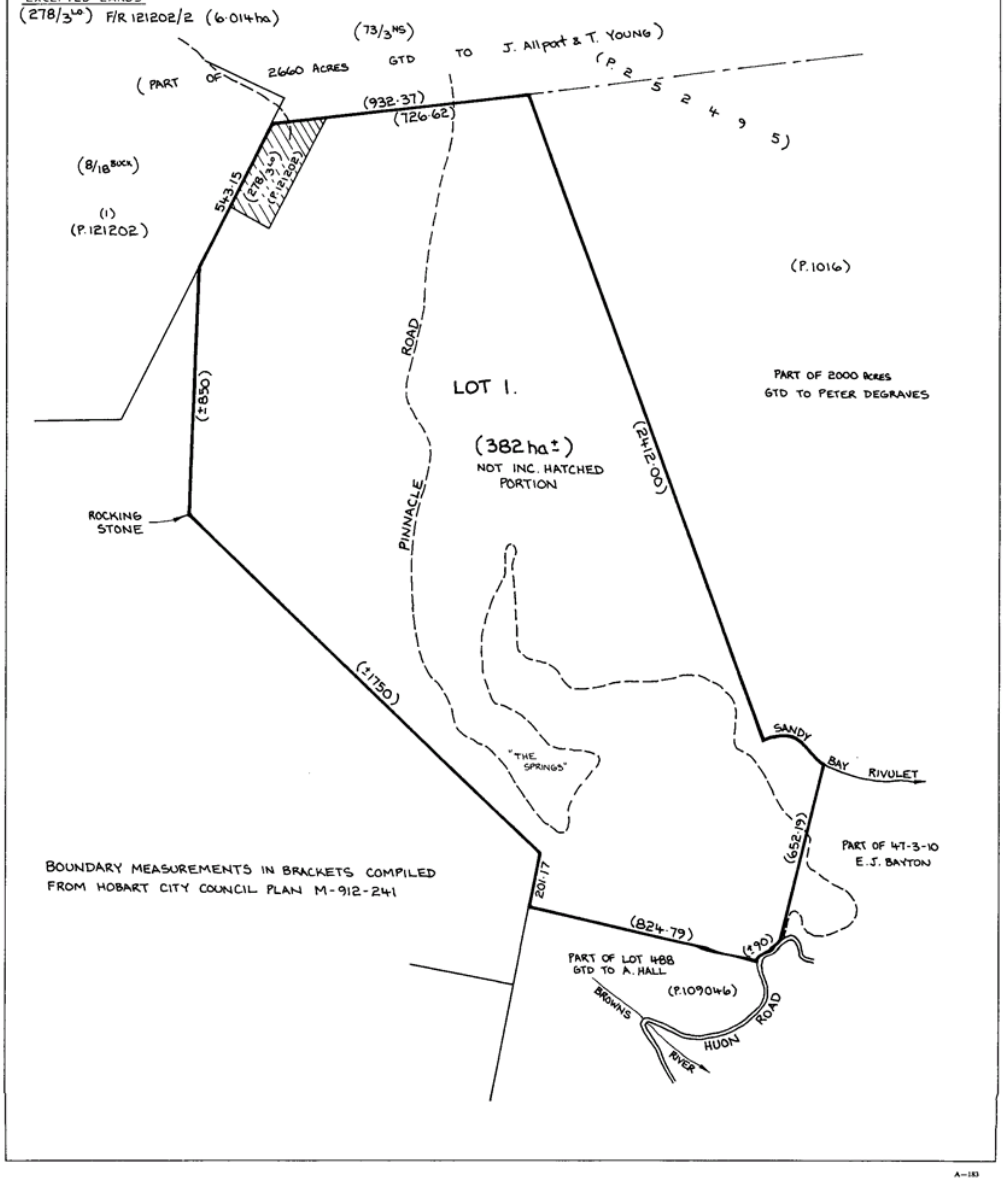
MAPSHEET MUNICIPAL CODE No. 114, 117 (5224) (5024)

LAST UPI No. 2100001 2302808

ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN

DRAWN P. PAGE

SKETCH BY WAY OF ILLUSTRATION ONLY



A-183

Appendix C:
Natural Values
Report

northbarker
ECOSYSTEM SERVICES

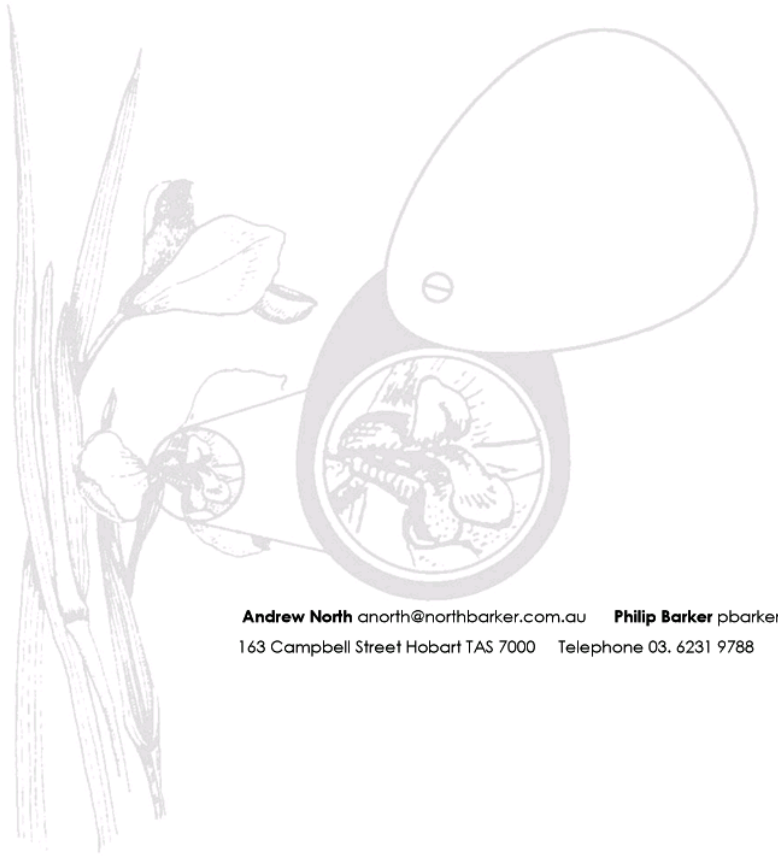
Lost Freight Café, The Springs, Mt Wellington

Container Development

Natural Values Determination

25 September 2019

For Emma Riley & Associates (ERA013)



Andrew North anorth@northbarker.com.au **Philip Barker** pbarker@northbarker.com.au
163 Campbell Street Hobart TAS 7000 Telephone 03. 6231 9788 Facsimile 03. 6231 9877

Summary

Proponent: Lost Freight Café **Proposal:** The placement of a 6 x 4.2 m container at the Springs, Mt Wellington, Hobart.	
Hobart Interim Planning Scheme 2015	
Springs Specific Area Plan Conforms with clauses relevant to natural values in the following sections: S1.1.2, S1.1.3, S1.1.4 and S1.6	
Zones	Environmental Management (D29) The proposal is consistent with the zone purpose
Overlays	Biodiversity Protection Area (E10) Conforms with the relevant objective and performance criteria
Threatened flora	nil
Threatened fauna and habitat	nil
Threatened vegetation	nil
EPBC Act	No significant impact to MNES
TSP Act	No permit to take required
Weed Management Act	No declared weeds present
Impact summary	Three *Eucalyptus johnstonii* require removal, and an additional two may be impacted as the tree protection zone of each overlaps with the proposal area by > 10 %.

Introduction

Lost Freight Café would like to add an additional container to the existing container at the Springs on Mt Wellington, Hobart (Figure 1). The location of the new container will require the removal of native vegetation. North Barker Ecosystem Services have been requested to provide comment on the potential impact to natural values.

A field survey was undertaken on the 17th of September 2019 to assess the impact. The survey findings are presented in this report, with reference to the Hobart City Council Interim Planning Scheme 2015.

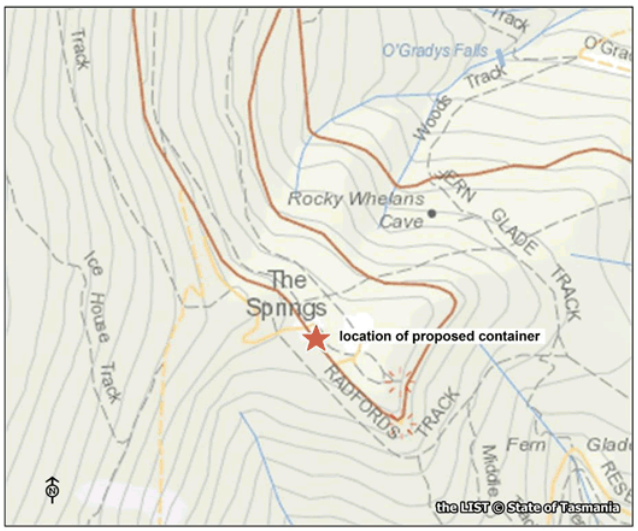


Figure 1: Location of the proposed new container

The site and potential impact

The existing container is at the southern edge of the car park at the Springs (at 520295 E, 5248536 N, GDA 95 MGA 55). The proposed container will be placed directly behind (i.e. adjoining) the existing container, limiting the direct impact to the container footprint to 6 x 4.2 m (Plate 1). It is understood the container will be elevated through the construction of sleepers and backfilled with fine crushed rock. The extent of the excavation will be ~ 100 - 150 mm to level out the sleepers. Any trees outside the footprint but with tree protection zones (TPZ) that overlap with the new container, may be indirectly impacted.

Vegetation

The vegetation in the footprint consists of *Eucalyptus johnstonii*. There are no understorey shrubs bar a single *Leptecophylla oxycedrus*. The ground cover is disturbed, and species-poor, dominated by a moss species and a closely cropped grass (probably *Microlaena stipoides*). Additional species recorded in the footprint are: *Hydrocotyle hirta, Acaena novae-zeelandiae, Euchiton japonicus* (probably – no fertile material), and *Hypochaeris radicata*. Two additional shrub/small tree species occur just outside the footprint: *Nematolepis squamea* and *Leptospermum scoparium*.



Plate 1: The location for the proposed container - the measuring tape on the ground (image left) shows the outer long edge of the impact area. The three trees aligned with the tape (two of which have twin trunks) are to be removed.

Trees (see Figure 2)

The dominant tree on the site is *Eucalyptus johnstonii* (yellow gum). Three relatively small yellow gums will require removal: these are 36, 34, and 23 cm diameter at breast height (DBH) with a canopy of ~10 m (it should be noted that some trees have two trunks and the DBH of both trunks is used to generate a single DBH value). Given the trees are relatively young, and the prevalence of yellow gums in the area, the loss of three trees is not considered significant.

An additional six yellow gums have TPZs that overlap with the new container footprint (Figure 2). The Australian Standard for the Protection of Trees (AS4970-2009) provides for a TPZ as being the "principal means of protecting trees on development sites". (A TPZ equals 12 x the DBH of the tree). Minor encroachment (< 10% of the TPZ) can be compensated for. If the encroachment exceeds 10% then as a 'major encroachment' the services of an arborist are required to determine whether the tree will remain viable. Trees that have grown close to existing infrastructure such as roads often demonstrate good viability with major encroachments and consequently may be capable of tolerating more than those where no encroachment exists.

Two of the six trees in the TPZ overlap area overlap by > 10 % (22 and 15 %, Figure 2). The larger of these is growing adjacent to a road and demonstrates good viability. If it is determined that the potential impact to these two trees requires quantification, then an arborist will be required. However, given the trees are relatively young, and the prevalence of yellow gums in the area, the cost of further assessment of these trees is likely to exceed any potential benefits; the potential loss of these two relatively small trees is not considered significant.

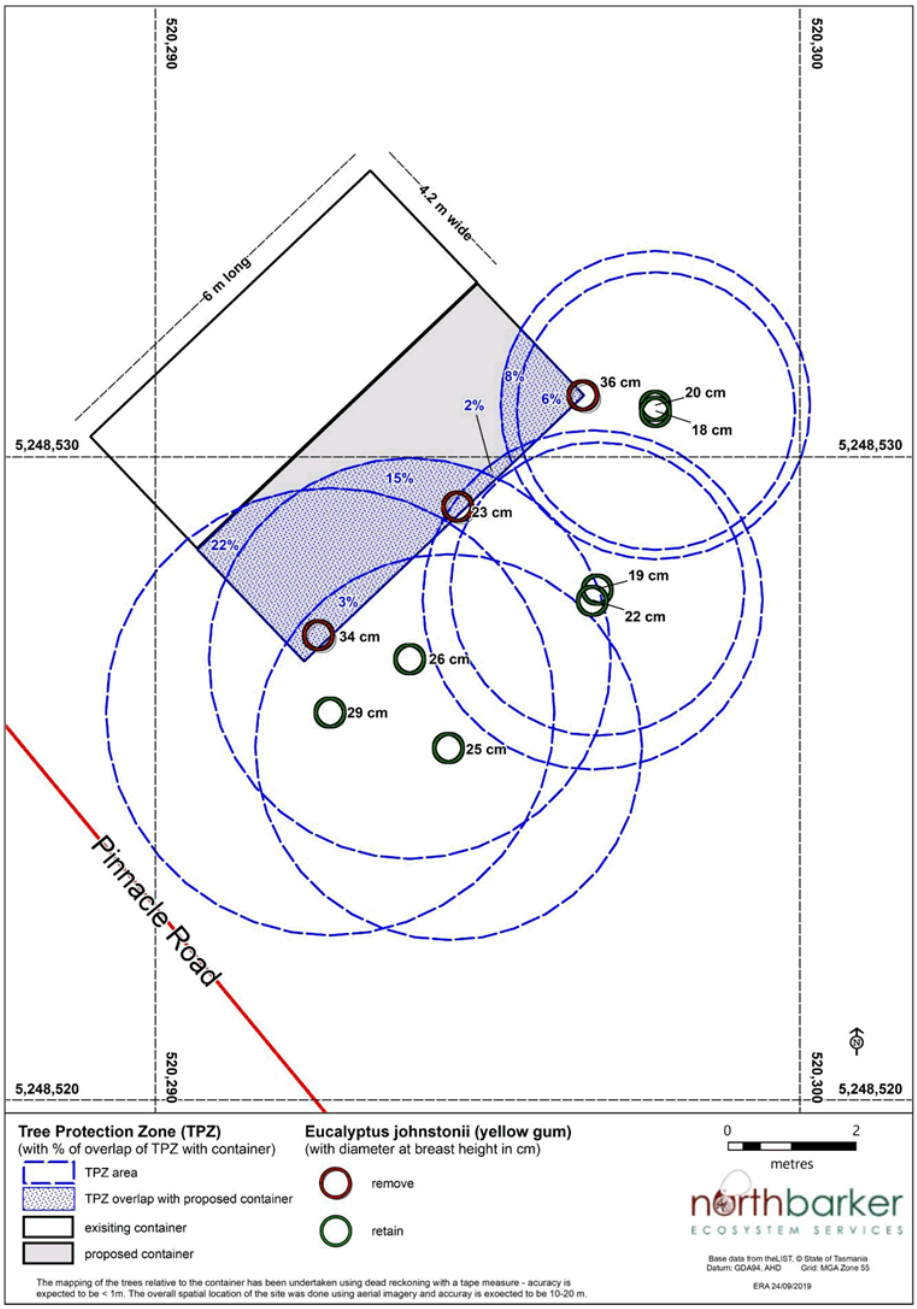


Figure 2: Tree locations of trees in the potential impact area

Flora and fauna and potential threatened values

The list of threatened flora and fauna species recorded within 500 m of the site is presented in Appendix A.

No threatened flora species are expected to be impacted. Much of the area has already been severely disturbed (the worn area in Plate 1 above), and the existing ground cover is species poor with few native species. The nearest record of a threatened flora species is ~220 m to the east (with an accuracy of 500 m): *Isolepis habra* – this is a distinctive species and is highly unlikely to occur in the footprint. The other threatened flora species recorded within 500 m is *Centropappis brunonis* – this is a distinctive shrub/small tree that would not have be overlooked.

No threatened fauna species are expected to be impacted. No threatened species have an affinity for *Eucalyptus johnstonii* and the trees offer no habitat for threatened fauna. There are no micro habitat structures suitable for the threatened snail species that occurs in the area (silky pinwheel snail). No other structures were recorded in the footprint that might offer breeding or significant foraging habitat for any other threatened species.

Most of the threatened fauna recorded within 500 m of the site are wide-ranging species, and to some degree tolerant of habitat disturbance characteristic of peri-urban environments; these species may forage on the site from time to time and include: eastern barred bandicoot, quolls, swift parrot, Tasmanian devil, and grey goshawk. However, given the scale of the footprint, and the wide-ranging nature of these species, the proposed impact to the site will not have a significant impact on any of these, or indeed any other, threatened species.

Wellington Park Specific Area Plan

The area for the proposed container is in the Wellington Park and subject to the provisions in the *Wellington Park Management Plan 2013 (WPMP)*[1]. The *Springs Specific Area Plan* (the Plan) is the relevant section of the WPMP for the proposal area. At the following sections impact to natural values requires consideration under the Plan, comments are provided after each section.

Sl.l Purpose of Specific Area Plan

The purpose of the Specific Area Plan is to:

Sl.1.2 Maintain and enhance the following values of The Springs Specific Area and the Park:

- *The natural values associated with natural vegetation, habitats, avian, aquatic and terrestrial fauna.*
- *The quality of all surface and sub surface water in the vicinity of The Springs and all water courses in the catchment of North West Bay River and Hobart Rivulet.*

The natural values of the proposed impact area are limited to the removal of three trees (with potential impact to a further two). The area where these trees are located is already somewhat degraded (see Plate 1 above), and the removal of these trees does not substantially erode the natural values in the area.

Given the size, height and form of these trees, and their location (i.e. adjacent to a café), they offer limited habitat for fauna and their removal is unlikely to have a notable tangible impact of any sort.

Sl. 1.3 Facilitate environmentally and economically sustainable development at The Springs in the following ways:

[1] Amended October 2015

- *Support the use of land in areas with demonstrated capability for development in a manner that ensures that the values and resource base is not degraded and is available for use by future generations.*
- *Recognise the special location and environment of The Springs while providing for development and use that does not cause degradation, loss or damage of resources and which does not adversely impact upon natural, biological and physical processes.*

The removal of three trees (with potential impact to a further two) will not notably degrade the natural values at the site. No salient natural biological or physical processes at the site are considered at risk with the removal of these trees.

- *Ensure there is no adverse affect on natural bushland (including through the spread of introduced flora), bogs, recharge basins, and waterways.*

The scale of the impact is such that bushland at the Springs will not be notably impacted. Any processes requiring earthworks and heavy machinery should be done in accordance with weed and hygiene management protocols[2].

- *Ensure that use and development acts to maintain and enhance the quality of all surface and sub surface water in the vicinity of Springs and all water courses in the catchment of Hobart Rivulet.*

The scale of the impact is such that there will be no impact to the surface and sub surface water is expected in the vicinity.

Sl.l.4 Ensure that development at Springs:

- *Provides for access to The Springs and to other parts of the Park in a manner that meets the needs of public users and so as not to cause environmental degradation of any area.*

The removal of the 3-5 trees and the placement of a single 6 x 4.2 m container is not considered an impact sufficient to cause environmental degradation of the area.

Section S1.6 Standards for Use and Development

These are considered in *Issue 2* in the table below; if the Acceptable Solution is not able to be met, then the Performance Criteria must be addressed.

- Acceptable Solution A2.1 can be met as the vegetation is not significant or threatened (so does not qualify for A2.1(a) and does not support habitat for threatened fauna (A2.1(b)).
- Acceptable Solution A2.2 can be met as no threatened species will be impacted.

[2] DPIPWE (2015). Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania. (Eds.) Karen Stewart and Michael Askey-Doran. Department of Primary Industries, Parks, Water and Environment, Hobart, Tasmania

Issue 2: Flora and Fauna Conservation, Geoconservation and Natural Processes **Objective:** To conserve flora, fauna, geological and geomorphological values, and to protect natural processes.	
Acceptable Solution	**Performance Criteria**
A2.1 Native Vegetation The proposal does not involve removal or damage to terrestrial or aquatic native vegetation which: (a) is listed as significant in this Management Plan, or any planning strategy or Trust endorsed scientific assessment prepared in accordance with this Management Plan; or is a Threatened Vegetation Community under the *Nature Conservation Act 2002*. (b) supports or forms habitat for any species of fauna listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999*.	**P2.1** Native Vegetation Any adverse affects on terrestrial or aquatic native vegetation or habitat values must be avoided, or remedied to ensure no long term impact on vegetation values.
A2.2 Threatened Species The proposal does not impact upon any threatened species listed under the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999*.	**P2.2** Threatened Species Any adverse affects on nationally or State listed rare, threatened or endangered species, communities or habitats must be avoided or remedied to ensure no long term impact on vegetation values.

Hobart Interim Planning Scheme 2015

The proposal area is subject to the Biodiversity Code (E10) under the *Hobart Interim Planning Scheme 2015*.

Under 10.7.1 are the *Development Standards* for *Buildings and Works*, and as above, if the Acceptable Solution is not able to be met, then the Performance Criteria must be addressed. These can all be met and are addressed below.

E10.7.1 Buildings and Works

Objective:

To ensure that development for buildings and works that involves clearance and conversion or disturbance within a Biodiversity Protection Area does not result in unnecessary or unacceptable loss of priority biodiversity values.

Given the limited extent and small impact of the proposal on biodiversity values, it is not likely the losses will be viewed as unnecessary or unacceptable; accordingly, the project is consistent with the objective.

The proposal does not meet Acceptable Solution A1. Accordingly, the following Performance Criteria are addressed (the natural values in the proposed area qualify as Low Priority Biodiversity Values as per Table E10.1 in the Scheme):

P1

Clearance and conversion or disturbance must satisfy the following:

(a) if low priority biodiversity values:

> *(i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;*

The container backs directly onto the other container in an area that is already partially disturbed (see Plate 1 above); so, the footprint is minimised, and disturbance is limited to three small trees (all < 40 cm DBH) with an additional two potentially impacted. The placement of a container is likely to have a less severe impact than a built structure. The design and location of development are therefore considered to minimize impacts.

> *(ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;*

No bushfire hazard management measures are required for this proposal.

Appendix A – Threatened flora and fauna tables from the Natural Values Atlas (24/09/2019)

Threatened flora within 500 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
Centropappus brunonis	tasmanian daisytree	r		e	1	11-Jan-2009
Isolepis habra	wispy clubsedge	r		n	1	19-Feb-1970

Threatened fauna within 500 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
Accipiter novaehollandiae	grey goshawk	e		n	3	29-Feb-1980
Aquila audax subsp. fleayi	tasmanian wedge-tailed eagle	e	EN	e	14	03-Sep-1981
Dasyurus maculatus	spotted-tail quoll	r	VU	n	1	16-Jun-2014
Dasyurus maculatus subsp. maculatus	spotted-tail quoll	r	VU	n	1	08-May-1991
Haliaeetus leucogaster	white-bellied sea-eagle	v		n	2	31-Aug-1980
Hirundapus caudacutus	white-throated needletail		VU	n	11	28-Feb-1981
Lathamus discolor	swift parrot	e	CR	mbe	28	30-Nov-1981
Pardalotus quadragintus	forty-spotted pardalote	e	EN	e	1	31-Aug-1980
Perameles gunnii	eastern barred bandicoot		VU	n	2	29-Aug-2018
Roblinella agnewi	Silky Pinwheel Snail	r			1	01-Jan-1870
Sarcophilus harrisii	tasmanian devil	e	EN	e	1	06-Oct-2015
Tyto novaehollandiae	masked owl	pe	PVU	n	5	10-Mar-1992

Planning: #193404

Property

NONE THE SPRINGS MOUNT WELLINGTON TAS 7054

People

Applicant
*
ERA Planning and Environment
Caroline Lindus
183 Macquarie Street
HOBART TAS 7000
0417 246 474
caroline@eraplanning.com.au

Applicant
*
CAROLINE LINDUS
183 MACQUARIE STREET
HOBART TAS 7000
0417 246 474
caroline@eraplanning.com.au

Owner
*
City of Hobart

16 Elizabeth Street
HOBART TAS 7000
6238 2711
coh@hobartcity.com.au

Entered By
CAROLINE LINDUS
183 MACQUARIE STREET
HOBART TAS 7000
0417 246 474
caroline@eraplanning.com.au

Use

Cafe

Details

Have you obtained pre application advice?

● No

If YES please provide the pre application advice number eg PAE-17-xx



Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. If you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application.
*
- No

Is the application for SIGNAGE ONLY? If yes, please enter $0 in the cost of development, and you must enter the number of signs under Other Details below.
*
- No

If this application is related to an enforcement action please enter Enforcement Number

Details

What is the current approved use of the land / building(s)?
*
Cafe

Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage)
*
Extension to proposed shipping container cafe

Estimated cost of development
*
20000.00

Existing floor area (m2)	Proposed floor area (m2)	Site area (m2)
15.00	15.00	3820000

Carparking on site

N/A
Other (no selection chosen)

Total parking spaces	Existing parking spaces
0	0

Hours of Business

Are the proposed hours of business different from the existing? - No

What days and hours of operation are proposed for the business?

	Existing From	Existing To	Proposed From	Proposed To
Monday to Friday	09:00	17:00		
Saturday			09:00	17:00
Sunday	09:00	17:00		

Proposed Mon-Fri hours are the same as existing
Proposed Sat-Sun hours are the same as existing

Number of Employees

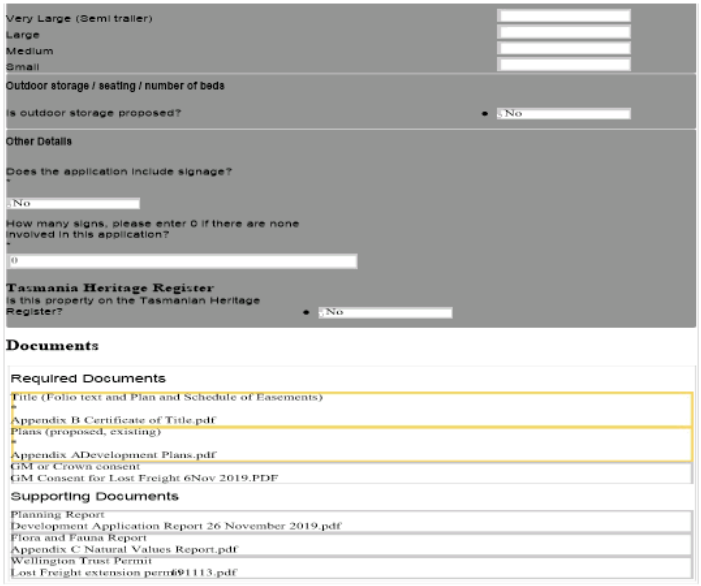
List the total number of people who will be working on the site.

Proposed number of employees	Existing number of employees
8	8

Goods Deliveries

Will there be any commercial vehicles accessing the site? - No

Type of Vehicle	Trips per Week



Very Large (Semi trailer)
Large
Medium
Small

Outdoor storage / seating / number of beds

Is outdoor storage proposed? • No

Other Details

Does the application include signage? *
No

How many signs, please enter 0 if there are none involved in this application? *
0

Tasmania Heritage Register
Is this property on the Tasmanian Heritage Register? • No

Documents

Required Documents

Title (Folio text and Plan and Schedule of Easements) *
Appendix B Certificate of Title.pdf

Plans (proposed, existing) *
Appendix ADevelopment Plans.pdf

GM or Crown consent
GM Consent for Lost Freight 6Nov 2019.PDF

Supporting Documents

Planning Report
Development Application Report 26 November 2019.pdf

Flora and Fauna Report
Appendix C Natural Values Report.pdf

Wellington Trust Permit
Lost Freight extension perm691113.pdf

Application Referral Environmental Development Planner - Response

From:	Rowan Moore
Recommendation:	
Date Completed:	
Address:	THE SPRINGS, MOUNT WELLINGTON
Proposal:	New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development
Application No:	PLN-19-856
Assessment Officer:	Liz Wilson,

Referral Officer comments:

Assessment:

Approval is sought to continue the use a temporary portable public toilet at The Springs.

The standards for use and development are under clause S1.6 of the *Wellington Park Management Plan 2013.*

Issue 2: Flora and Fauna Conservation, Geoconservation and Natural Processes

Acceptable solution A2.1 'Native vegetation' states the following:

The proposal does not involve removal or damage to terrestrial or aquatic native vegetation which:
(a) Is listed as significant in this Management Plan, or any planning strategy or Trust endorsed scientific assessment prepared in accordance with this Management Plan; or is a Threatened Vegetation Community under the Nature Conservation Act 2002.
(b) Supports or forms habitat for any species of fauna listed in the Threatened Species Protection Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999.

It is proposed to remove three trees and a few groundcover species. Two other trees could be impacted through root-zone disturbance. This vegetation is not listed under the *Nature Conservation Act 2002* or the management plan or supporting documents.

The submitted Natural Values determination states that the vegetation does not support any specific habitat features and is not significant habitat for threatened species.

Acceptable solution A2.2 'Threatened Species' states the following:

The proposal does not impact upon any threatened species listed under the Threatened Species Protection Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999.

No threatened species would be impacted.

Acceptable solution A2.3 'Geoheritage' states the following:

The proposal does not impact upon any sites which are listed as significant in this Management Plan or in a Trust endorsed scientific assessment or listed on the Tasmanian Geoconservation Database.

No geoconservation sites would be impacted.

Issue 4: Hydrology

Acceptable solution A4.1 states the following:

Use and development (including vegetation removal) will not occur within 40m of the boundary of a water course, bog, recharge basin shown on Map S2 Hydrology. There is no acceptable solution for use or development within the Drinking Water Catchment boundary as shown on Map S2 Hydrology.

The development would not be located within 40m of a feature shown on map S2, and would not be within the drinking water catchment boundary shown on map S2.

Acceptable solution A4.2 states the following:

In the remaining areas of The Springs, use or development involves no extraction of water from any water body, wetland or watercourse expect for use in fire fighting or carrying out planned burns in accordance with a bushfire management strategy prepared in accordance with this Management Plan.

The development complies with the acceptable solution because water will not be extracted from the Park.

Issue 6: Environmental Hazards - (a) Regolith

Acceptable solution A6.1 states the following:

Development is on slopes less than 6 degrees on areas of Triassic type geology.

The proposal complies with this acceptable solution.

Issue 6: Environmental Hazards – (b) Fire

The acceptable solution states the following:

Development of new or modified buildings must be in accordance with section E1.6.3, E1.6.4 and E1.6.5 of Planning Directive No 5 (Bushfire Prone Areas Code).

This development is not subject to the Bushfire-Prone Areas Code.

Issue 11: Noise

Acceptable solution A11.1 states the following:

Noise from point sources must not exceed 50dB(A) at any point within 50m of the source.

The planning report submitted with the application states:

Currently the café utilises a generator which is approximately 24m from site of the container, and is located within a stone shed. Specifications for this generator are that it has a noise level of 52 dB(A) at 7m distance away. The noise is further decreased when located in a building (such as a stone shed) and when that distance is increased. Accordingly, the noise will not exceed 50dB(A) at any point within 50m of the generator.

It is considered very likely that the stone enclosure would reduce noise emissions from the generator to 50dB(A) or lower if the unenclosed noise level is 52dB(A) at 7m.

Recommended Conditions:

Construction equipment washdown

Only use locally-occurring natives in planters

ENV 1 - SWM

Recommended Advice:

N/A

Rowan Moore
Environmental Development Planner
10 December 2019

8. REPORTS

8.1 City Planning - Advertising Report File Ref: F20/5223

Memorandum of the Director City Planning of 15 January 2020 and attachment.

Delegation: Committee

City of HOBART

MEMORANDUM: CITY PLANNING COMMITTEE

City Planning - Advertising Report

Attached is the advertising list for the period 3 December 2019 – 13 January 2020.

RECOMMENDATION

That the information contained in the memorandum titled 'City Planning – Advertising Report' be received and noted.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Neil Noye
DIRECTOR CITY PLANNING

Date: 15 January 2020
File Reference: F20/5223

Attachment A: City Planning - Advertising Repoort ⇩

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-720	406 - 408 ELIZABETH STREET	NORTH HOBART	Partial Change of Use to Visitor Accommodation	$0	17/12/2019	ayersh	Director	05/12/2019	19/12/2019
PLN-19-692	149 MACQUARIE STREET	HOBART	Partial Demolition and Alterations (Re-roofing)	$100,000	05/12/2019	ayersh	Director	06/12/2019	20/12/2019
PLN-19-832	15 DUKE STREET	SANDY BAY	Partial Demolition, Extension, Alterations and Garage	$230,000	22/01/2020	ayersh	Director	06/12/2019	20/12/2019
PLN-18-896	235 - 237 COLLINS STREET	HOBART	Partial Demolition, Alterations, and Partial Change of Use to Single Dwelling	$10,000	21/01/2019	ayersh	Council	10/12/2019	19/12/2019
PLN-19-790	15 SWAN STREET	NORTH HOBART	Partial Demolition, Extension, Alterations and Home-Based Business	$200,000	19/12/2019	ayersh	Director	11/12/2019	28/12/2019
PLN-19-793	4 MONTRIVALE RISE	DYNNYRNE	Dwelling	$420,000	25/12/2019	ayersh	Director	18/12/2019	05/01/2020
PLN-19-886	305 STRICKLAND AVENUE	SOUTH HOBART	Partial Demolition and New Shed	$9,500	20/01/2020	ayersh	Director	23/12/2019	10/01/2020
PLN-19-486	179 - 191 MURRAY STREET	HOBART	Demolition and New Building For General Retail and Hire, Bulky Goods Sales and 68 Multiple Dwellings	$30,000,000	18/09/2019	ayersh	Council	09/01/2020	23/01/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-897	8 TIERSEN PLACE	SANDY BAY	Alterations (Landscaping and Retaining Walls) and Outbuilding (Shed)	$3,000	21/01/2020	ayersh	Director	09/01/2020	23/01/2020
PLN-19-807	THE SPRINGS	MOUNT WELLINGTON	Temporary Public Toilet	$12,000	24/12/2019	ayersh	Council	10/01/2020	24/01/2020
PLN-19-713	12 DAVID AVENUE	SANDY BAY	Partial Demolition, Extension and Alterations and Signage	$4,800,000	15/12/2019	baconr	Director	03/12/2019	17/12/2019
PLN-19-831	131 - 133 LIVERPOOL STREET	HOBART	Partial Demolition, Alterations and Change of Use to Food Services	$150,000	21/01/2020	baconr	Director	03/12/2019	17/12/2019
PLN-19-780	24 SALAMANCA SQUARE	BATTERY POINT	Signage	$2,000	18/12/2019	baconr	Council	05/12/2019	19/12/2019
PLN-19-835	39 TOWER ROAD	NEW TOWN	Partial Demolition, Alterations and Partial Change of Use to Dwelling	$250,000	09/01/2020	baconr	Director	11/12/2019	28/12/2019
PLN-19-889	23 MARIEVILLE ESPLANADE	SANDY BAY	Partial Demolition, Extension and Alterations	$220,000	20/01/2020	baconr	Council	23/12/2019	10/01/2020
PLN-19-875	33 PILLINGER DRIVE	FERN TREE	Partial Demolition, Extension and Alterations	$200,000	15/01/2020	baconr	Director	23/12/2019	10/01/2020
PLN-19-926	2 CROSS STREET	NEW TOWN	Partial Demolition, Extension and Alterations	$1,937,000	29/01/2020	baconr	Director	08/01/2020	22/01/2020
PLN-19-949	33 TOORAK AVENUE	MOUNT STUART	Partial Demolition and New Outbuilding (Garage)	$30,000	03/02/2020	baconr	Director	08/01/2020	22/01/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-840	63 PATRICK STREET	HOBART	Change of Use to Visitor Accommodation	$5,000	10/01/2020	Foalem	permit granted	05/12/2019	19/12/2019
PLN-19-817	119 ARTHUR STREET	WEST HOBART	Change of Use to Visitor Accommodation	$0	26/12/2019	Foalem	permit granted	11/12/2019	28/12/2019
PLN-19-858	34 REGENT STREET	SANDY BAY	Partial Demolition, Extension and Alterations	$250,000	16/01/2020	Foalem	Permit granted	12/12/2019	29/12/2019
PLN-19-912	40 MACQUARIE STREET	HOBART	Archaeological Works	$48,000	24/01/2020	Foalem	Director	08/01/2020	22/01/2020
PLN-19-933	379 ELIZABETH STREET	NORTH HOBART	Extension to Operating Hours	$0	30/01/2020	Foalem	Council	08/01/2020	22/01/2020
PLN-19-717	102 PATRICK STREET	HOBART	Partial Demolition, Alterations and Extension	$980,745	07/12/2019	langd	permit granted	03/12/2019	17/12/2019
PLN-19-806	12 / 137 - 139 KING STREET	SANDY BAY	Partial Change of Use to Visitor Accommodation	$0	14/01/2020	langd	permit granted	03/12/2019	18/12/2019
PLN-19-787	95 LANSDOWNE CRESCENT	WEST HOBART	Partial Demolition and Alterations	$100,000	02/01/2020	langd	permit granted	04/12/2019	19/12/2019
PLN-18-918	10 HAKEA DRIVE	TOLMANS HILL	Dwelling	$350,000	02/02/2019	langd	permit granted	06/12/2019	20/12/2019
PLN-19-846	338 MURRAY STREET	NORTH HOBART	Partial Change of Use to Visitor Accommodation	$0	19/01/2020	langd	permit granted	06/12/2019	20/12/2019
PLN-19-866	6 PITT STREET	NORTH HOBART	Partial Demolition and Alterations	$30,000	26/01/2020	langd	permit granted	11/12/2019	31/12/2019
PLN-19-853	43 PLAISTER COURT	SANDY BAY	Partial Demolition, New Deck and Alterations	$70,000	08/01/2020	langd	Director	12/12/2019	29/12/2019
PLN-19-860	52 VIEW STREET	SANDY BAY	Alterations	$1,000	09/01/2020	langd	Director	08/01/2020	22/01/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-953	162 MACQUARIE STREET	HOBART	Signage	$0	04/02/2020	langd	Director	08/01/2020	22/01/2020
PLN-19-914	6 BIRNGANA AVENUE	SANDY BAY	Partial Demolition, Extension, Alterations, Carport, New Access Driveway and Front Fencing	$250,000	24/01/2020	langd	Director	09/01/2020	23/01/2020
PLN-19-868	11 / 4 JERSEY STREET	SANDY BAY	Change of Use to Visitor Accommodation	$0	13/01/2020	maxwellv	Director	05/12/2019	09/12/2019
PLN-19-758	7 ROSSENDELL AVENUE	WEST HOBART	Removal of Underground Storage Tanks	$12,000	27/12/2019	maxwellv	Director	09/12/2019	23/12/2019
PLN-19-820	2 A HOPE STREET	NEW TOWN	Partial Demolition and Alterations	$40,000	01/01/2020	maxwellv	Director	09/12/2019	23/12/2019
PLN-19-871	134 CASCADE ROAD	SOUTH HOBART	Ancillary Dwelling	$180,000	13/01/2020	maxwellv	Director	09/12/2019	23/12/2019
PLN-19-851	71 NELSON ROAD	SANDY BAY	Partial Demolition and New Fencing	$35,000	07/01/2020	maxwellv	Director	11/12/2019	28/12/2019
PLN-19-864	4 - 12 ELIZABETH STREET	HOBART	Partial Demolition, Alterations and Signage	$500,000	13/01/2020	maxwellv	Director	13/12/2019	30/12/2019
PLN-19-680	313 B STRICKLAND AVENUE	SOUTH HOBART	Carport	$2,000	26/11/2019	maxwellv	Director	16/12/2019	03/01/2020
PLN-19-773	31 A BRAMBLE STREET	RIDGEWAY	Outbuilding (Shed and Garage)	$120,000	17/12/2019	maxwellv	Director	17/12/2019	04/01/2020
PLN-19-748	248 MACQUARIE STREET	HOBART	Partial Demolition, Alterations and Front Fencing	$12,000	11/12/2019	maxwellv	Director	23/12/2019	10/01/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-451	344 MACQUARIE STREET	SOUTH HOBART	Partial Demolition, Alterations and Extension	$500,000	03/09/2019	maxwellv	Director	08/01/2020	22/01/2020
PLN-19-913	594 NELSON ROAD	MOUNT NELSON	Partial Demolition and New Outbuilding (Studio)	$50,000	24/01/2020	maxwellv	Director	08/01/2020	22/01/2020
PLN-19-810	2 / 54 NICHOLAS DRIVE	SANDY BAY	Change of Use to Visitor Accommodation	$0	04/01/2020	mcclenahanm	Director	03/12/2019	17/12/2019
PLN-19-623	10 CANNING COURT	MOUNT STUART	Parking Deck	$30,000	09/11/2019	mcclenahanm	Director	09/12/2019	23/12/2019
PLN-19-869	1 PROCTORS ROAD	DYNNYRNE	Partial Demolition, New Retaining Walls and Fencing	$10,000	26/01/2020	mcclenahanm	Director	09/12/2019	23/12/2019
PLN-19-814	37 MORTIMER AVENUE	MOUNT STUART	Partial Demolition, Extension and Alterations	$300,000	26/12/2019	mcclenahanm	Director	11/12/2019	28/12/2019
PLN-19-338	19 VALLEY STREET	WEST HOBART	Demolition and Dwelling	$400,000	23/07/2019	mcclenahanm	Director	12/12/2019	29/12/2019
PLN-19-654	109 - 113 LIVERPOOL STREET	HOBART	Partial Demolition and Alterations for Business and Professional Services, Food Services, and General Retail and Hire	$1,000,000	13/11/2019	mcclenahanm	Director	18/12/2019	05/01/2020
PLN-19-850	284 DAVEY STREET	SOUTH HOBART	Partial Demolition, Alterations and Front Fencing	$9,950	12/01/2020	mcclenahanm	Director	20/12/2019	07/01/2020
PLN-19-885	159 BATHURST STREET	HOBART	Change of use to Visitor Accommodation	$0	17/01/2020	mcclenahanm	Director	23/12/2019	10/01/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-854	220 ARGYLE STREET	NORTH HOBART	Partial Demolition, Alterations and Change of Use to Food Services and Hotel Industry	$300,000	08/01/2020	mcclenahanm	Director	23/12/2019	10/01/2020
PLN-19-895	LOT 17 119 - 119A NEW TOWN ROAD	NEW TOWN	Signage	$0	21/01/2020	mcclenahanm	Director	23/12/2019	10/01/2020
PLN-19-826	24 DOYLE AVENUE	LENAH VALLEY	Partial Demolition, Extension, Alterations and Outbuilding (Workshop)	$250,000	30/12/2019	mcclenahanm	Director	08/01/2020	22/01/2020
PLN-19-951	2 NEWPORT STREET	NORTH HOBART	Three Multiple Dwellings (One Existing, Two New) and Front Fencing	$520,000	03/02/2020	mcclenahanm	Director	09/01/2020	23/01/2020
PLN-19-818	4 DANVAL PLACE	WEST HOBART	Partial Demolition, Extension and Alterations	$160,000	26/12/2019	mcclenahanm	Director	13/01/2020	28/01/2020
PLN-19-745	40 KELLY STREET	BATTERY POINT	Partial Demolition, Extension and Alterations	$750,000	25/12/2019	nolanm	Permit granted	03/12/2019	17/12/2019
PLN-19-872	54 KING STREET	SANDY BAY	Signage	$0	14/01/2020	nolanm	Director	10/12/2019	27/12/2019
PLN-19-636	3 LONGVIEW AVENUE	SANDY BAY	Partial Demolition and Alterations (Carport, Pool and Deck)	$140,000	10/11/2019	nolanm	permit granted	17/12/2019	06/01/2020
PLN-19-884	63 GIBLIN STREET	LENAH VALLEY	Partial Demolition, Extension and Alterations	$50,000	17/01/2020	nolanm	Director	23/12/2019	10/01/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-843	272 MURRAY STREET	HOBART	Partial Demolition, Alterations, Car Parking and Change of Use to Communal Residence	$3,000,000	06/01/2020	nolanm	Director	24/12/2019	10/01/2020
PLN-19-907	13 MANRESA COURT	SANDY BAY	Partial Demolition, Extension and Alterations	$450,000	23/01/2020	nolanm	Director	08/01/2020	22/01/2020
PLN-18-645	9 STONEY STEPS ROAD	SOUTH HOBART	Outbuilding (Shed)	$4,500	31/10/2018	nolanm	Director	09/01/2020	23/01/2020
PLN-19-947	137 HAMPDEN ROAD	BATTERY POINT	Front Fencing and Landscaping	$10,000	03/02/2020	nolanm	Director	13/01/2020	28/01/2020
PLN-19-950	6 POWELL STREET	SANDY BAY	Partial Demolition, Alterations and Partial Change of Use to Visitor Accommodation	$0	03/02/2020	nolanm	Director	13/01/2020	28/01/2020
PLN-19-808	30 WEERONA AVENUE	MOUNT STUART	Partial Demolition, Extension and Alterations	$250,000	13/01/2020	obrienm	permit granted	04/12/2019	18/12/2019
PLN-19-836	51 - 53 PIRIE STREET	NEW TOWN	Partial Demolition and Alterations	$50,000	23/01/2020	obrienm	permit granted	04/12/2019	18/12/2019
PLN-19-845	4 / 19 WHELAN CRESCENT	WEST HOBART	Partial Change of Use to Visitor Accommodation	$0	26/01/2020	obrienm	Permit granted	06/12/2019	27/12/2019
PLN-19-857	106 YORK STREET	SANDY BAY	Partial Demolition and Retaining Wall	$9,000	02/02/2020	obrienm	withdrawn	10/12/2019	27/12/2019
PLN-19-641	9 SANDY BAY ROAD	HOBART	Demolition and new building for 28 multiple dwellings and associated works within adjacent road reserve	$7,000,000	08/11/2019	sherriffc	Council	06/12/2019	20/12/2019

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-804	3 CORREA PLACE	TOLMANS HILL	Dwelling	$400,000	14/01/2020	smeea	permit granted	06/12/2019	20/12/2019
PLN-19-709	30 MAWHERA AVENUE	SANDY BAY	Subdivision (One Lot and Balance)	$0	11/12/2019	smeea	permit granted	12/12/2019	30/12/2019
PLN-19-842	45 D'ARCY STREET	SOUTH HOBART	Partial Demolition, Alterations and Front Fencing	$80,000	16/01/2020	smeea	permit granted	13/12/2019	30/12/2019
PLN-19-870	2 / 27 WARWICK STREET	HOBART	Partial Demolition, Extension and Alterations	$110,000	19/01/2020	smeea	permit granted	16/12/2019	03/01/2020
PLN-19-855	143 MACQUARIE STREET	HOBART	Drainage Upgrade and Carpark Resurfacing	$40,000	14/01/2020	smeea	permit granted	19/12/2019	06/01/2020
PLN-19-330	MELVILLE STREET	HOBART	Signage	$60,000	15/07/2019	widdowsont	Council	10/12/2019	27/12/2019
PLN-19-848	43 ANGLESEA STREET	SOUTH HOBART	Partial Demolition, Extension and Alterations	$60,000	09/01/2020	widdowsont	Permit granted	10/12/2019	27/12/2019
PLN-19-628	110 REGENT STREET	SANDY BAY	Partial Demolition, Extension, Alterations, Fencing and Two Multiple Dwellings (One Existing, One New)	$900,000	05/11/2019	widdowsont	Council	20/12/2019	07/01/2020
PLN-19-874	5 ARCHER STREET	NEW TOWN	Partial Demolition, Extension and Alterations	$350,000	15/01/2020	widdowsont	Director	23/12/2019	10/01/2020
PLN-19-740	13 ADELAIDE STREET	SOUTH HOBART	Partial Demolition, Extension and Alterations	$120,000	10/12/2019	widdowsont	Director	08/01/2020	22/01/2020
PLN-19-541	4 WOODLYN COURT	SOUTH HOBART	Partial Demolition, Extension, Alterations and Ancillary Dwelling	$180,000	11/10/2019	widdowsont	Director	09/01/2020	23/01/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-928	552 SANDY BAY ROAD	SANDY BAY	Partial Demolition, Extension and Alterations	$80,000	29/01/2020	widdowsont	Director	09/01/2020	23/01/2020
PLN-19-891	48 FOREST ROAD	WEST HOBART	Partial Demolition and Alterations	$100,000	20/01/2020	widdowsont	Director	13/01/2020	28/01/2020
PLN-19-867	352 MACQUARIE STREET	SOUTH HOBART	Partial Change of Use to Visitor Accommodation	$0	20/01/2020	wilsone	permit granted	10/12/2019	27/12/2019
PLN-19-830	9 LAWLEY CRESCENT	SOUTH HOBART	Partial Demolition, Extension and Alterations	$10,000	31/12/2019	wilsone	Director	13/12/2019	30/12/2019
PLN-19-856	THE SPRINGS	MOUNT WELLINGTON	New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development	$20,000	08/01/2020	wilsone	Council	13/12/2019	30/12/2019
PLN-19-828	29 A MELLIFONT STREET	WEST HOBART	Partial Demolition, Extension and Alterations	$80,000	30/12/2019	wilsone	Council	16/12/2019	03/01/2020
PLN-19-888	140 NELSON ROAD	MOUNT NELSON	Partial Demolition, Extension, Alterations, New Garage and Office/Studio and Alterations to Driveway	$500,000	23/01/2020	wilsone	permit granted	20/12/2019	07/01/2020

8.2 Delegated Decisions Report (Planning) File Ref: F20/4500

Memorandum of the Director City Planning of 14 January 2020 and attachment.

Delegation: Committee

City of HOBART

MEMORANDUM: CITY PLANNING COMMITTEE

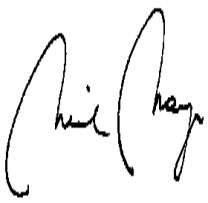
Delegated Decisions Report (Planning)

Attached is the delegated planning decisions report for the period 2 December 2019 until 10 January 2020.

RECOMMENDATION

That the information contained in the memorandum titled 'Delegated Decisions Report (Planning)' be received and noted.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Neil Noye
DIRECTOR CITY PLANNING

Date: 14 January 2020
File Reference: F20/4500

Attachment A: Delegated Decisions Report (Planning) ⇩

14 January 2020

Delegated Decisions Report (Planning)

113 applications found.

Approved | Withdrawn / Cancelled | All

Planning Description	Address	Works Value	Decision	Authority
PLN-18-334 Alterations, Carport and Fencing	2 GOODHART PLACE SANDY BAY TAS 7005	$ 150,000	Approved	Delegated
PLN-18-702 Sign	232-242 LIVERPOOL STREET HOBART TAS 7000	$ 0	Approved	Delegated
PLN-18-918 Dwelling	10 HAKEA DRIVE TOLMANS HILL TAS 7007	$ 350,000	Approved	Delegated
PLN-19-250 Demolition and Four Multiple Dwellings	5 JERSEY STREET SANDY BAY TAS 7005	$ 800,000	Approved	Delegated
PLN-19-406 Partial Demolition, Alterations and Extension	91 YORK STREET SANDY BAY TAS 7005	$ 85,000	Withdrawn	Applicant
PLN-19-421 Partial Demolition, Alterations and Extension (Re-Advertised - Amended Proposal / Administrative Correction)	16 HEATHCOMBE CRESCENT SANDY BAY TAS 7005	$ 185,000	Approved	Delegated
PLN-19-428 Demolition and Two Multiple Dwellings	105 SWANSTON STREET NEW TOWN TAS 7008	$ 520,000	Approved	Delegated
PLN-19-447 Partial Demolition, Alterations, Change of Use to Visitor Accommodation, and Signage	14/2 MACQUARIE STREET HOBART TAS 7000	$ 250,000	Approved	Delegated
PLN-19-456 Alterations and Change of Use to Visitor Accommodation	84 LIVERPOOL CRESCENT WEST HOBART TAS 7000	$ 0	Approved	Delegated
PLN-19-489 Partial Demolition and Replacement Access Stairs	678 SANDY BAY ROAD SANDY BAY TAS 7005	$ 20,000	Not Required	Delegated
PLN-19-530 Carport and Front Fencing (Gate)	68 GROSVENOR STREET SANDY BAY TAS 7005	$ 1,000	Approved	Delegated
PLN-19-531 Partial Demolition, Extension, Alterations and Front Fencing	150 WARWICK STREET WEST HOBART TAS 7000	$ 80,000	Approved	Delegated
PLN-19-576 Partial Demolition, Extension and Alterations	15 GOURLAY STREET WEST HOBART TAS 7000	$ 3,750,000	Approved	Delegated
PLN-19-578 New Dwelling	74A MOUNT STUART ROAD MOUNT STUART TAS 7000	$ 400,000	Approved	Delegated
PLN-19-580 Partial Demolition, Extension and Alterations	18 HAIG STREET LENAH VALLEY TAS 7008	$ 450,000	Approved	Delegated
PLN-19-596 Dwelling	29 BEAUMONT ROAD LENAH VALLEY TAS 7008	$ 400,000	Approved	Delegated
PLN-19-623 Parking Deck	10 CANNING COURT MOUNT STUART TAS 7000	$ 30,000	Approved	Delegated
PLN-19-635 Partial Change of Use to Visitor Accommodation	4/7 VIEW STREET SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-636 Partial Demolition and Alterations (Carport, Pool and Deck)	3 LONGVIEW AVENUE SANDY BAY TAS 7005	$ 140,000	Approved	Delegated
PLN-19-645 Bus Shelter and Associated Works	21 CROSS STREET NEW TOWN TAS 7008	$ 50,000	Withdrawn	Applicant
PLN-19-652 Partial Demolition, Extension and Alterations	2 PORTLAND PLACE SANDY BAY TAS 7005	$ 150,000	Approved	Delegated
PLN-19-658 Partial Change of Use to Visitor Accommodation	20 MORTIMER AVENUE MOUNT STUART TAS 7000	$ 0	Approved	Delegated
PLN-19-661 Partial Demolition, Alterations and Signage	273 ELIZABETH STREET NORTH HOBART TAS 7000	$ 500,000	Approved	Delegated

Planning Description	Address	Works Value	Decision	Authority
PLN-19-673 Partial Demolition, Extension and Alterations	6 BEDDOME STREET SANDY BAY TAS 7005	$ 350,000	Approved	Delegated
PLN-19-676 Alterations	297 MURRAY STREET NORTH HOBART TAS 7000	$ 5,000	Approved	Delegated
PLN-19-680 Carport	313B STRICKLAND AVENUE SOUTH HOBART TAS 7004	$ 2,000	Approved	Delegated
PLN-19-688 Alterations and Re-Roofing	5 EMMETT PLACE NEW TOWN TAS 7008	$ 100,000	Approved	Delegated
PLN-19-692 Partial Demolition and Alterations (Re-roofing)	149 MACQUARIE STREET HOBART TAS 7000	$ 100,000	Approved	Delegated
PLN-19-697 Change of Use to Visitor Accommodation	19 PLAISTER COURT SANDY BAY TAS 7005	$ 0	Withdrawn	Applicant
PLN-19-698 Partial Change of Use to Visitor Accommodation	2-2A ALBUERA STREET BATTERY POINT TAS 7004	$ 0	Approved	Delegated
PLN-19-705 Alterations, Extension and Outbuilding	156 NEW TOWN ROAD NEW TOWN TAS 7008	$ 4,000	Approved	Delegated
PLN-19-709 Subdivision (One Lot and Balance)	30 MAWHERA AVENUE SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-710 Outbuilding (Workshop)	28 THELMA DRIVE WEST HOBART TAS 7000	$ 75,000	Approved	Delegated
PLN-19-711 Driveway Extension and Alterations	2 DALKEITH COURT SANDY BAY TAS 7005	$ 9,000	Approved	Delegated
PLN-19-713 Partial Demolition, Extension and Alterations and Signage	12 DAVID AVENUE SANDY BAY TAS 7005	$ 4,800,000	Approved	Delegated
PLN-19-717 Partial Demolition, Alterations and Extension	102 PATRICK STREET HOBART TAS 7000	$ 980,745	Approved	Delegated
PLN-19-720 Partial Change of Use to Visitor Accommodation	406-408 ELIZABETH STREET NORTH HOBART TAS 7000	$ 0	Approved	Delegated
PLN-19-724 Partial Demolition, Extension, Alterations and Front Fencing	20 FELTHAM STREET NORTH HOBART TAS 7000	$ 800,000	Approved	Delegated
PLN-19-726 Partial Change of Use to Visitor Accommodation	338 MURRAY STREET NORTH HOBART TAS 7000	$ 0	Approved	Delegated
PLN-19-727 Alterations	14/17 MARGARET STREET SANDY BAY TAS 7005	$ 17,000	Approved	Delegated
PLN-19-728 Change of Use to Visitor Accommodation	3 STANLEY STREET SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-745 Partial Demolition, Extension and Alterations	38 KELLY STREET BATTERY POINT TAS 7004	$ 750,000	Approved	Delegated
PLN-19-747 Change of Use to Visitor Accommodation	22 WIGNALL STREET NORTH HOBART TAS 7000	$ 0	Approved	Delegated
PLN-19-751 Partial Change of Use to Home-Based Business	69 RUTH DRIVE LENAH VALLEY TAS 7008	$ 30,000	Approved	Delegated
PLN-19-755 Partial demolition and alterations	29 ABERDEEN STREET GLEBE TAS 7000	$ 20,000	Approved	Delegated
PLN-19-756 Partial Demolition, Alterations and Signage	2 SALAMANCA SQUARE BATTERY POINT TAS 7004	$ 90,000	Approved	Delegated
PLN-19-758 Removal of Underground Storage Tanks	7 ROSSENDELL AVENUE WEST HOBART TAS 7000	$ 12,000	Approved	Delegated
PLN-19-763 Partial Change of Use to Visitor Accommodation	309 DAVEY STREET SOUTH HOBART TAS 7004	$ 0	Approved	Delegated
PLN-19-764 Dwelling	2 HUTCHINSON PLACE WEST HOBART TAS 7000	$ 300,000	Approved	Delegated

Planning Description	Address	Works Value	Decision	Authority
PLN-19-765 Umbrella and Signage	58/4 FRANKLIN WHARF HOBART TAS 7000	$ 20,000	Approved	Delegated
PLN-19-772 Partial Demolition and Alterations	67 LIVERPOOL STREET HOBART TAS 7000	$ 12,500	Approved	Delegated
PLN-19-774 Alterations	59-63 LIVERPOOL STREET HOBART TAS 7000	$ 75,000	Approved	Delegated
PLN-19-776 Subdivision (Boundary Adjustment)	31 D'ARCY STREET SOUTH HOBART TAS 7004	$ 5,000	Approved	Delegated
PLN-19-778 Change of Use to Visitor Accommodation	360 MURRAY STREET NORTH HOBART TAS 7000	$ 0	Approved	Delegated
PLN-19-779 Change of Use to Visitor Accommodation	18 YORK STREET SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-784 Change of Use to Visitor Accommodation	4 ARCHER STREET NEW TOWN TAS 7008	$ 0	Approved	Delegated
PLN-19-785 Extension and Alterations (Storeroom)	112 CASCADE ROAD SOUTH HOBART TAS 7004	$ 32,000	Approved	Delegated
PLN-19-787 Partial Demolition and Alterations	95 LANSDOWNE CRESCENT WEST HOBART TAS 7000	$ 100,000	Approved	Delegated
PLN-19-788 Change of Use to Visitor Accommodation	2/4 JERSEY STREET SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-789 Partial Demolition, Extension, Alterations and Ancillary Dwelling	8 BEDDOME STREET SANDY BAY TAS 7005	$ 500,000	Approved	Delegated
PLN-19-792 Partial Demolition, Extension and Alterations	8 KEITH WHITE CRESCENT MOUNT STUART TAS 7000	$ 60,000	Approved	Delegated
PLN-19-793 Dwelling	4 MONTRIVALE RISE DYNNYRNE TAS 7005	$ 420,000	Approved	Delegated
PLN-19-795 Partial Demolition, Vegetation Removal and Fencing	2 MANING AVENUE SANDY BAY TAS 7005	$ 5,000	Approved	Delegated
PLN-19-800 Partial Demolition, New Shed and Pergola	67 ARTHUR STREET WEST HOBART TAS 7000	$ 15,000	Approved	Delegated
PLN-19-802 Alterations to Fencing and Gates	2 CRELIN STREET BATTERY POINT TAS 7004	$ 10,000	Approved	Delegated
PLN-19-804 Dwelling	3 CORREA PLACE TOLMANS HILL TAS 7007	$ 400,000	Approved	Delegated
PLN-19-806 Partial Change of Use to Visitor Accommodation	12/137-139 KING STREET SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-808 Partial Demolition, Extension and Alterations	30 WEERONA AVENUE MOUNT STUART TAS 7000	$ 250,000	Approved	Delegated
PLN-19-810 Change of Use to Visitor Accommodation	2/54 NICHOLAS DRIVE SANDY BAY TAS 7005	$ 0	Withdrawn	Applicant
PLN-19-811 Outbuilding	10A BELLEVUE PARADE NEW TOWN TAS 7008	$ 4,345	Approved	Delegated
PLN-19-812 Dwelling	15 ROSE COURT SANDY BAY TAS 7005	$ 800,000	Withdrawn	Applicant
PLN-19-813 Partial Demolition, Extension and Alterations	40 CONGRESS STREET SOUTH HOBART TAS 7004	$ 25,000	Approved	Delegated
PLN-19-816 Partial Demolition, Alterations and Signage	66 REGENT STREET SANDY BAY TAS 7005	$ 150,000	Approved	Delegated
PLN-19-820 Partial Demolition and Alterations	2A HOPE STREET NEW TOWN TAS 7008	$ 40,000	Approved	Delegated
PLN-19-824 Alterations, Partial Change of Use to Hotel Industry and Business and Professional Services	24-32 ARGYLE STREET HOBART TAS 7000	$ 50,000	Approved	Delegated

Planning Description	Address	Works Value	Decision	Authority
PLN-19-829 Change of Use to Visitor Accommodation	29 ATHLEEN AVENUE LENAH VALLEY TAS 7008	$ 0	Approved	Delegated
PLN-19-831 Partial Demolition, Alterations and Change of Use to Food Services	131-133 LIVERPOOL STREET HOBART TAS 7000	$ 150,000	Approved	Delegated
PLN-19-832 Partial Demolition, Extension, Alterations and Garage	15 DUKE STREET SANDY BAY TAS 7005	$ 230,000	Approved	Delegated
PLN-19-833 Partial Change of Use to Visitor Accommodation	1/526 SANDY BAY ROAD SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-834 Change of Use to Visitor Accommodation	753 SANDY BAY ROAD SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-835 Partial Demolition, Alterations and Partial Change of Use to Dwelling	39 TOWER ROAD NEW TOWN TAS 7008	$ 250,000	Approved	Delegated
PLN-19-836 Partial Demolition and Alterations	51-53 PIRIE STREET NEW TOWN TAS 7008	$ 50,000	Approved	Delegated
PLN-19-838 Partial Change of Use to Visitor Accommodation	1 MANING AVENUE SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-839 Change of Use to Visitor Accommodation	26 BYRON STREET SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-840 Change of Use to Visitor Accommodation	63 PATRICK STREET HOBART TAS 7000	$ 5,000	Approved	Delegated
PLN-19-842 Partial Demolition, Alterations and Front Fencing	45 D'ARCY STREET SOUTH HOBART TAS 7004	$ 80,000	Approved	Delegated
PLN-19-844 Signage	295-313 LIVERPOOL STREET HOBART TAS 7000	$ 0	Approved	Delegated
PLN-19-845 Partial Change of Use to Visitor Accommodation	4/19 WHELAN CRESCENT WEST HOBART TAS 7000	$ 0	Approved	Delegated
PLN-19-846 Partial Change of Use to Visitor Accommodation	338 MURRAY STREET NORTH HOBART TAS 7000	$ 0	Approved	Delegated
PLN-19-848 Partial Demolition, Extension and Alterations	43 ANGLESEA STREET SOUTH HOBART TAS 7004	$ 60,000	Approved	Delegated
PLN-19-850 Partial Demolition, Alterations and Front Fencing	284 DAVEY STREET SOUTH HOBART TAS 7004	$ 9,950	Approved	Delegated
PLN-19-852 Partial Change of Use to Visitor Accommodation	898 SANDY BAY ROAD SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-855 Drainage Upgrade and Carpark Resurfacing	143 MACQUARIE STREET HOBART TAS 7000	$ 40,000	Approved	Delegated
PLN-19-857 Partial Demolition and Retaining Wall	106 YORK STREET SANDY BAY TAS 7005	$ 9,000	Withdrawn	Applicant
PLN-19-858 Partial Demolition, Extension and Alterations	34 REGENT STREET SANDY BAY TAS 7005	$ 250,000	Approved	Delegated
PLN-19-861 Change of Use to Visitor Accommodation	1 RED CHAPEL AVENUE SANDY BAY TAS 7005	$ 0	Approved	Delegated
PLN-19-864 Partial Demolition, Alterations and Signage	4-12 ELIZABETH STREET HOBART TAS 7000	$ 500,000	Approved	Delegated
PLN-19-865 Alterations for Ancillary Dwelling	2 MCCANN CRESCENT LENAH VALLEY TAS 7008	$ 60,000	Exempt	Delegated
PLN-19-866 Partial Demolition and Alterations	6 PITT STREET NORTH HOBART TAS 7000	$ 30,000	Approved	Delegated

Planning Description	Address	Works Value	Decision	Authority
PLN-19-867 Partial Change of Use to Visitor Accommodation	352 MACQUARIE STREET SOUTH HOBART TAS 7004	$ 0	Approved	Delegated
PLN-19-869 Partial Demolition, New Retaining Walls and Fencing	1 PROCTORS ROAD DYNNYRNE TAS 7005	$ 10,000	Approved	Delegated
PLN-19-870 Partial Demolition, Extension and Alterations	2/27 WARWICK STREET HOBART TAS 7000	$ 110,000	Approved	Delegated
PLN-19-881 Land Decontamination (Land Farming)	10 EVANS STREET HOBART TAS 7000	$ 60,000	Approved	Delegated
PLN-19-888 Partial Demolition, Extension, Alterations, New Garage and Office/Studio and Alterations to Driveway	138 NELSON ROAD MOUNT NELSON TAS 7007	$ 500,000	Approved	Delegated
PLN-19-893 Extension and Alterations for Ancillary Dwelling	60 ALEXANDER STREET SANDY BAY TAS 7005	$ 50,000	Exempt	Delegated
PLN-19-894 Partial Demolition and Alterations	17 WAIMEA AVENUE SANDY BAY TAS 7005	$ 50,000	Withdrawn	Applicant
PLN-19-899 Partial Demolition, Extension and Alterations	2 TANGARA ROAD MOUNT NELSON TAS 7007	$ 80,000	Exempt	Delegated
PLN-19-906 Extension to Residential College	2 CHURCHILL AVENUE SANDY BAY TAS 7005	$ 500,000	Approved	Delegated
PLN-19-915 Partial Change of Use to Visitor Accommodation	1 FERNDENE AVENUE SOUTH HOBART TAS 7004	$ 0	Exempt	Delegated
PLN-19-920 Front Fencing	22 FELTHAM STREET NORTH HOBART TAS 7000	$ 2,000	Withdrawn	Applicant
PLN-19-922 Fencing	2 RIALANNAH ROAD MOUNT NELSON TAS 7007	$ 3,000	Withdrawn	Applicant
PLN-19-941 Change of Use to Visitor Accommodation	79 VIEW STREET SANDY BAY TAS 7005	$ 300	Approved	Delegated
PLN-19-946 Partial Demolition, Extension and Alterations	229-235 ELIZABETH STREET HOBART TAS 7000	$ 140,000	Approved	Delegated

9. QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

An Elected Member may ask a question without notice of the Chairman, another Elected Member, the General Manager or the General Manager's representative, in line with the following procedures:

1. The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Elected Member must not:
   (i) offer an argument or opinion; or
   (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The Chairman must not permit any debate of a question without notice or its answer.
4. The Chairman, Elected Members, General Manager or General Manager's representative who is asked a question may decline to answer the question, if in the opinion of the respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The Chairman may require a question to be put in writing.
6. Where a question without notice is asked and answered at a meeting, both the question and the response will be recorded in the minutes of that meeting.
7. Where a response is not able to be provided at the meeting, the question will be taken on notice and
   (i) the minutes of the meeting at which the question is asked will record the question and the fact that it has been taken on notice.
   (ii) a written response will be provided to all Elected Members, at the appropriate time.
   (iii) upon the answer to the question being circulated to Elected Members, both the question and the answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, where it will be listed for noting purposes only.

10. CLOSED PORTION OF THE MEETING

That the Committee resolve by majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- To confirm the minutes of the Closed Portion of the meeting; and
- Questions Without Notice in the Closed Portion.

The following items were discussed: -

Item No. 1	Minutes of the last meeting of the Closed Portion of the Committee Meeting
Item No. 2	Consideration of supplementary items to the agenda
Item No. 3	Indications of pecuniary and conflicts of interest
Item No. 4	Questions Without Notice